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MARYLAND.

TWO HUNDRED YEARS AGO:

A DISCOURSE

BY

S. F. STREETER.

DELIVERED IN BALTIMORE,

BEFORE THE

MARYLAND HISTORICAL SOCIETY,

ON ITS

SEVENTH ANNIVERSARY CELEBRATION;

MAY 20, 1852.

"MARYLAND is (not an Island as is reported, but) part of that maine adjoining to *Virginia*, only separated or parted from *Virginia*, by a river of ten miles broad, called *Patomack* river,—the commodities and manner of living as in Virginia, the soile somewhat more temperate (as being more northerly) many stately and navigable rivers are contained in it, plentifully stored with wholesome springs, a rich and pleasant soile, and so that its extraordinary goodness hath made it rather desired then envied, which hath been fatall to her (as beauty is often times to those that are endued with it) and that the reader may thoroughly be informed how she hath suffered, I shall in brief relate and conclude."—"*Hammond's* LEAH *and* RACHEL, 1656."

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3088

TWO HUNDRED YEARS AGO.

A SCAFFOLD hung with black, and closely guarded by a strong military force,—a pale, trial-stricken man, bending his prematurely gray head to the block,—the rise and flash and fall of the executioner's axe,—and the uplifting of that gory head before the eyes of the spell bound multitude, with the cry,—"This is the head of a traitor!"—these were the central and significant facts that saluted the eyes and absorbed the attention of the people of England, that thrilled Europe with horror, that startled kings on their thrones, that stirred new hopes in the hearts of the far-sighted among the people, a little more than two hundred years ago!

With his last breath, Charles I. proclaimed his adherence to those principles, his endeavor to uphold which brought him finally to the scaffold; asserting, as he knelt down for his last prayer, and with his hand almost upon the axe which was to be the keen arbiter between him and his subjects, that his cause was just; that a disregard of the sovereign's prerogative had been the principal cause of the contest just concluded; that the people had no right to a share in the government; and never, until this truth was distinctly recognized, would the country be blessed with liberty and peace. And that one warning word, addressed by him to his solitary companion, before he knelt to receive the fatal blow,—how full of mystery, yet how full of meaning! "*Remember*," said he,

solemnly, to that faithful bishop, who had performed for him the last offices of religion,—"*Remember!*" What *he* meant by that simple utterance, probably no man present of that gazing multitude knew,—no man since has ever known; but like those words of Holy Writ, to which some believers attach a primary and higher, as well as a literal meaning, it carried with it a grand significance;—and, though uttered with the faint whisper of a dying man, went out in trumpet tones to principalities and powers; bidding oppressors to take heed to their ways, warning the people not to forget their rights as men and their slumbering but mighty power, and calling on the civilized nations of the world to study and profit by the lesson, presented in that day's solemn and bloody spectacle.

Such was the termination of that great drama, in which Charles had been a prominent actor; and in which, by his exaggerated estimate of the kingly prerogative, by his blindness to the spread of true ideas of political and religious liberty, by his weak subterfuges and despicable insincerity, by the bigotry of his religious and the obstinacy of his political advisers, he had been led into straits from which there was no escape; and found, in the executioner's axe, the only means of unloosing the Gordian knot of difficulty and distress, in which he beheld himself entangled.

The seeds of this revolution had been planted long before the reign of Charles. For long years, the rulers of England had manifested a disposition to make the royal prerogative override the privileges of Parliament and the liberties of the people; while the perception of public rights and the disposition to assert them, seemed to bear an inverse ratio to the despotic acts of the sovereign and his bold assumption of regal immunities. But, when the weak, pedantic James came to the throne, those who had shrunk in silence from the frown of the imperious Elizabeth, began to regain a portion of their manhood and to assume the port of freemen. The House of Commons did not hesitate to tell him, that the "prerogatives of princes do daily grow," while "the privileges of the subject are at an everlasting stand;" and declared that respect for the late queen's sex and age, and disinclination to

stir up controversies that might endanger the succession, had alone made them pass over invasions of their rights, which they had hoped to see redressed; but instead of having their expectations realized, "not privileges only, but the whole freedom of the Parliament and realm had been hewed from them."

James, on his part, affirmed that the wit of neither man nor angel could devise an answer satisfactory to those who thus addressed him, "unless he would pull the crown, not from his head only, but from those of his posterity, and lay it at their feet;" and swore, as God should be his judge, he would rather live a hermit, than reign over such a people as that "pack of Puritans," who formed the opposition in the House of Commons. Accordingly, the toil of his life was, to preserve intact that prerogative which he regarded as the corner stone of the throne;—to strengthen that Church of which he was proud to be called the head; to crush that Catholicism which denied his supremacy, and hatred to which, by long indulgence, had almost become an additional faculty of the English mind; and to eradicate that Puritanism, which was synonymous, not only with opposition to compulsory conformity to the established church, but also with resistance, open or secret, to the encroachments of the crown upon the rights and liberties of the people.

Hopeless of ever enjoying, in their native land, those civil, and more than all, those religious rights which to them were the essentials of life, companies of those who had been persecuted for faith's sake sought in a foreign land homes and places where they might worship undisturbed; whence, after years of endurance, they again migrated, to find on the northern shores of the American continent a place of refuge;—to make the rock of Plymouth one of the foundation stones of a great temple of civil and religious liberty;—to be themselves the seed of a nation, destined in after times to people a continent, to become the beacon light of oppressed Humanity, the moral controllers of the destinies of nations.

Not less severe were the measures pursued by the king, and in this case with the hearty approbation of the great

mass of the people, against the older branch of the Christian church. To the Roman Catholics, was denied by law the public and even the private exercise of the rites of their religion, the privilege of having their children baptized by their own clergy, or of educating them at seminaries conducted by teachers of their own faith;—they were forbidden to come within a fixed distance of the city of London, and their priests, found in the country, were liable to seizure, imprisonment, and even death. To this policy James adhered, until a desire to obtain a fitting match for Prince Charles, a prospect of replenishing his empty coffers with a magnificent dowry, and the hope of thus effecting the restoration of his son-in-law to the Palatinate, led him to a negotiation with the king of Spain, for the purpose of bringing about the union of the Infanta with the Prince of Wales. Parliament and people were horror stricken at the idea of thus matching their prospective king with a princess of the proscribed faith; but neither argument nor remonstrance could move the king from his purpose;—he continued the negotiation, sought a dispensation from the Pope, engaged that the princess should be unobstructed in the exercise of the rites of her own church, bound himself by secret articles to relieve the Roman Catholics from the oppressions under which they were groaning, and forbade the enforcement of existing penal laws against recusants, Jesuits, and Seminary priests.

At this period, when Charles made his romantic incognito expedition to Spain, and was expected soon to bring home the Infanta as his bride, the hopes of the Catholics were raised to the highest pitch. A revocation of all acts against that sect was confidently anticipated; many of the prominent courtiers revealed their adherence to the Catholic faith; and it was foretold by one, familiar with the under-current of events in the court circle, that, at the Infanta's coming, many more "would fall away from the church of England, as fast as withered leaves in autumn."[1]

[1] Letter from John Chamberlain, Esq. to Sir Dudley Carleton, April 19th, 1623.

Among those who steadily upheld the public policy of king James, and who earnestly promoted the Spanish match, was Sir George Calvert, one of his Majesty's principal Secretaries of State. Bred a Protestant, he also was led to acknowledge the authority of the church of Rome, though, like many other courtiers, about that time converted, he did not at once avow the change that had taken place in his religious views.[1] In private, however, he maintained the forms of worship peculiar to that faith, and instructed his children in its doctrines; facts which were without doubt known to his royal master, but were overlooked in consideration of the valuable services he had rendered in connection with the Spanish alliance, and in view of those articles in the marriage treaty, approved by both king and secretary, in which liberty of worship in private was to be conceded to the professors of the Roman Catholic faith.

In the midst of the joy occasioned in England by the announcement of the Prince's safe arrival in Spain, and his distinguished reception by the royal family and favorable regard by the Infanta, Sir George Calvert received a proof of the favor in which he was held by the king, in the form of a grant of a portion of the island of Newfoundland, of which he was made by charter, (April 7th, 1623,) absolute

[1] The exact period of Lord Baltimore's conversion cannot now be fixed;—but there can be no doubt that he was a Roman Catholic in sentiment for some time before he retired from office and publicly united himself to the Church of Rome. In a work written by a contemporary, and attributed to Bishop Goodman, himself of a strong Catholic tendency, we have the following statement. "As he (Secretary Calvert) was the only Secretary employed in the Spanish match, so undoubtedly he did what good offices he could therein for religion's sake; being infinitely addicted to the Roman Catholic faith, having been converted thereunto by Count Gondomar and Count Arundel, whose daughter Secretary Calvert's son had married. And, as it was said, the Secretary did usually catechize his own children so to ground them in his own religion, and in his best room having an altar set up, with chalice, candlesticks, and all other ornaments, he brought all strangers thither, never concealing any thing, as if his whole joy and comfort had been to make open profession of his religion."—*Court of James* 1*st*, vol. 1, p. 376.

From this statement, we may infer that Lord Baltimore's mind had begun to incline towards Catholicism, at least two or three years before his retirement from office in January, 1625.

Lord and Proprietary. There, about the time of the landing of the Plymouth pilgrims, a settlement had been formed under his auspices, which now assumed a distinct colonial existence, under the name of Avalon. This colony, however, did not, like that of Plymouth, have its origin in a desire to enjoy a religious faith unmolested. For himself, Sir George Calvert had no occasion to provide a place of refuge, as he was high in favor at court, and a prominent agent in the king's favorite plan,—that of matching Charles with the Infanta, which seemed on the point of consummation; and, as for the Catholics in general, their hopes of toleration under a Protestant prince had never been fairer; and there had not been, for years, so little inducement for the members of that communion to expatriate themselves, or so little apparent probability of the necessity of such a course, as when, under the new charter, the Proprietary made fresh exertions to strengthen and extend his colony on the island of Newfoundland.

As an officer of the crown, and we may presume, from sincere conviction, Sir George Calvert zealously sustained the public policy of his royal master, and labored to uphold that prerogative, which he regarded as an essential attribute of kingly rule. But his political horizon was suddenly overclouded, by the unexpected failure of the negotiation for the Spanish match, almost at the moment when its consummation appeared so certain, that James exultingly declared, "all the devils in hell could not break it." As a consequence, Calvert lost ground in the Council, and ultimately resigned his office of Secretary of State;—but the king, well satisfied with his past services, created him Baron of Baltimore in Ireland, and, notwithstanding his Catholic tendencies, continued him a member of the Privy Council. Thus, one of the last acts of that weak monarch's life, was the bestowal of honor, in the face of party opposition and notwithstanding his change of faith, on one who had long been his zealous and devoted servant.

The accession of Charles to the throne, brought no cessation of that struggle which had already commenced, openly

on the floor of Parliament and in the halls of justice, and silently among the masses of the people, between prerogative on the one hand, and the liberty of the subject on the other; on the contrary, his devious and deceptive course soon aggravated existing difficulties, and pushed matters beyond the possibility of a peaceable adjustment. At last, finding he could neither cheat nor cajole the popular leaders, nor bend Parliament to his own wishes, Charles suddenly dissolved that body, prohibited even the mention of its re-assembling, and commenced the desperate experiment of governing England, free from the restraints of that legislature which had proved itself so determined to thwart the royal will, to crush the royal favorites, to overthrow monopolies, and to abridge the royal power.

It was at this critical period, (January, 1630) that Sir George Calvert, now Lord Baltimore, and a professed Roman Catholic, returned to England. At the accession of Charles, he had hesitated to take the oaths of allegiance and supremacy, and was therefore left out of the Privy Council, when he retired to his estates in Ireland. Thence he was called to Court in March, 1627, having been selected as a most fitting person, to act as one of the Commissioners to meet at Brussels, for the purpose of negotiating a treaty of peace with Spain, which, however, was not then accomplished. Three months after, he sailed for Avalon; and finding the colony in a flourishing condition, returned to London, and again, with all his family, except Cecilius, his eldest son, embarked for Newfoundland. There, he rendered good service by protecting with his ships the English fishermen in those waters, while he endeavored to build up and consolidate his settlement. A fair trial convinced him, that in such a climate and locality, there was little hope of the success of his plans of colonization;—he, therefore, in the summer of 1629, sent his children to England, and with his lady sailed for Virginia, where he arrived in October of the same year. The arrival of a visiter so distinguished caused some excitement at James City; and the authorities inquired why he, the Governor of another colony, had abandoned that and come to theirs. "To

seek a plantation and dwelling place among you," was his lordship's reply. "Very willingly," answered they, "provided you will take the oaths of allegiance and supremacy, as we have done, and which we are obliged, by the royal order, to exact from every person, who becomes a member of this colony." A modified form of the oath was proposed by him as one which his obligations as a Catholic would allow him to take;—but the Governor and Council, moved without doubt by that jealousy of Catholicism which was felt by the colonists as well as by the people of the mother country, (though professing to act solely upon the royal instructions,) declined to admit into their community a man, however distinguished, "who was unwilling to acknowledge all the pre-eminences belonging to his majesty," and prayed him to make provision to depart from the colony by the next ship that sailed for England. He complied with their request; but not before he had examined the broad bay of "Chesapiack," the islands that stud its surface, the beautiful rivers which flow into it, especially from the west, and the rich and inviting country which, almost without an inhabitant, except a few savage tribes, spread out upon its borders.

From this remark must be excepted, however, a large island in the bay, on which Capt. William Claiborne, a member of the Council of Virginia, and a man of great energy and untiring enterprise, had established a trading settlement, and to which he had given the name of Kent: as also an island in the mouth of the Susquehanna river, on which he had placed an advanced post to facilitate his trading operations; both of which he had purchased of the native chiefs, besides taking up lands upon each, according to the custom of the country, at that period.

Leaving his lady and servants behind, Lord Baltimore proceeded to England, hoping that, by a personal appeal, the king might be induced to relax in his favor the regulation in regard to emigrants to Virginia, and accept of a modified form of oath; but he was disappointed. His application was ineffectual, and he found himself under the necessity of fitting

out a vessel (February, 1630) and sending her to Virginia, to convey his lady and servants to England.

The two years succeeding Lord Baltimore's return to England, were crowded with stirring and important events. On the continent, was raging that fearful struggle, which was destined to depopulate the cities and blast the soil of central Europe;—in which the spirit of Catholicism battled with the spirit of the Reformation; and the great Gustavus, the champion of the Protestant cause, found a fitting field for the display of his grand military genius, competitors worthy of his fame, and a glorious end, at a time when the laurel was greenest upon his brow, and before full success or imperial power had too severely tested his sincerity and his self-command. In England, too, was commencing a struggle, that was to outlast that going on among the states of Europe, but the elements of which were not essentially different;—prerogative against public right;—the court against the people;—the prescriptions of the established church against the claims of dissenting sects to worship according to the dictates of their own consciences. The king had thrown down the gauntlet; the best men of the country had not hesitated to take it up; and the people listened to the controversy and watched the aggressive and defensive movements of the respective parties, until the sympathy with their own champions became deep and abiding, and the general watchword and rallying cry became, "the liberties of the free-born subjects of the realm."

It was during this period that Lord Baltimore, having relinquished the hope of obtaining admission into the colony of Virginia, conceived the design of obtaining from the king a grant of a portion of that territory which he had visited on the shores of the Chesapeake, and there carrying out those plans of colonization, which had failed on the frozen and barren isle of Newfoundland. His application was successful;[1] and a charter was prepared, similar in its provisions to

[1] In a letter addressed by him to Strafford, from his "lodging in Lincoln's Inn Fields," on the 11th of October, 1631, he condoles, with his friend on the recent loss of his wife, and assures him that nothing but the "urgent business

that which he had received for Avalon,[1] and to one which had been granted five years before to the Earl of Carlisle, for the West India islands; but before it passed the great seal, he died, leaving his eldest son Cecilius, to carry forward the enterprise, in which he had felt so deep an interest. Two months after his death, (June 20th, 1632,) the necessary formalities were completed, and Cecilius Calvert, the second Lord Baltimore, became the titular absolute Lord and Proprietary of MARYLAND.

The announcement of the new grant called forth a strong remonstrance from the planters of Virginia against this division of their territory and interference with their trade in the "Great Bay;"—but the Privy Council decided (July, 1633,) that Lord Baltimore should be "left to his patent and the petitioners to their remedy at law, as they desired." Opposition was not wanting also from parties in England, hostile to the plan of the new colony. False and exaggerated representations were made through the Attorney General before the Star Chamber relative to the designs of Lord Baltimore;—that he intended to carry nuns into Spain and soldiers to serve the king;—that his ships had left Gravesend without due authority from the Custom House;—and that his people had abused the king's officers and refused to take the oath of allegiance. But Calvert succeeded in shewing the falsity of all the charges brought against him, and at the end of about eighteen months from the time the Charter passed the great seal, all obstacles were overcome, and his ships, which had been detained in consequence of these false reports, were allowed to depart.[2] In November,

which he has in hand" prevents him from starting at once for Ireland, to comfort his friend in his affliction. *Strafford's Letters, vol. 1, p. 50,—quoted by Anderson in his History of the Colonial Church, vol. 2, p. 113.*

[1] So says Chalmers. I have attempted, through the aid of a correspondent in London, to obtain the charter of Avalon, for the purpose of comparing it with that of Maryland, but have not yet succeeded.

[2] These particulars are drawn from a letter from Calvert to Strafford, written January 10th, 1633-4, after the sailing of the expedition, in which he gratefully acknowledges, that, "by the help of some of his Lordship's good friends and his own," he has been enabled to overcome opposition and send a hopeful

1633, the *Ark*, bearing the fortunes of Leonard Calvert, the brother of the Proprietary, and nearly two hundred settlers, preceded, as in the old diluvian time, by the *Dove*, went forth in quest of that spot of western earth, upon which they might set foot, with the hope of peaceful enjoyment of civil rights and religious opinions, and the organization of a prosperous community.[1] Many of the first adventurers were Roman Catholics;—many, especially of those who went in the capacity of laborers or servants, were Protestants; and with the expedition sailed two brethren of the Society of Jesus, not only to act as spiritual guides of the colonists, but ready also and anxious to endure exposure and suffering, for the sake of spreading the seeds of Christian truth among the aboriginal tribes.

On their way, the voyagers visited the island of Barbadoes, to establish relations of trade and obtain certain needed supplies; but it must have possessed an additional interest in their eyes, from the fact that its inhabitants had been living and greatly prospering for several years, under a

colony into Maryland. In the same letter, he also states that two of his brothers have gone, "with very near twenty other gentlemen of very good fashion, and three hundred laboring men, well provided in all things."—*Strafford's Letters, vol.* 1, 178, *quoted by Anderson.*

One of the brothers mentioned, was Leonard, the Governor of the colony;—the other was George; who, I think, settled and died in Virginia.

[1] Lord Baltimore's original intention was, to lead his own colony to Maryland; but circumstances induced him to change his purpose. That the impression prevailed in England, that his Lordship intended to follow his brother Leonard, with a second body of emigrants, is evident from a petition presented to the Privy Council in November, soon after the sailing of the Ark and the Dove. It appears that "Gabriel Hawley, servant to Lord Baltimore," had billeted upon certain citizens of London, several men and women destined for Maryland, who finally sailed without payment having been made for their entertainment; whereupon the parties presented their accounts to his Lordship; but he referred them to Hawley, who unfortunately was then under arrest for debt, and confined in the Fleet prison. The petitioners then applied to the Privy Council to order Lord Baltimore to satisfy their demands "before he sailed for Maryland;" but we are not informed whether their prayer was granted, or in what manner the claim was adjusted. *See Vol.* 1 *of* Abstracts *presented to the Md. Hist. Society, by George Peabody, Esq., of London;—under date of November*, 1633.

charter[1] similar to that under which they were about to establish themselves in Maryland. The islanders had not arrived at their present point of strength and prosperity, however, without a severe struggle and a contest at the very commencement of their settlement, with previous occupants of a portion of the soil, who claimed rights under an original grant from James I. and a subsequent one from Charles. Could the Maryland colonists have looked forward into the future, they would have been startled to see re-enacted in their own history, the events that accompanied the establishment of the colony at Barbadoes; and, even with the prospect of ultimate success, would have shrunk from a controversy, entailed upon them by the double dealing or carelessness of their time-serving king. As they coasted along the West India islands, the lovers of the marvellous among the crew and the credulous among the passengers, were aroused by the report, that in that region existed an animal, in the head of which was set a precious stone that shone with inconceivable splendor. The more refined among the colonists, familiar with the language of the great dramatist, whose genius was then new to the world, may have been reminded by this fable of those lines in which he compares Adversity to the toad, which,

> "ugly and venomous,
> Wears yet a precious jewel in his head;"

and the after experience of all certainly taught them, that, though no such creature was to be found within the limits of their territory, there was abundant opportunity for them to gather from stern trials and adverse events, the jewels of patience, firmness, and perseverance, with which alone, in any enterprise, man is able to purchase success.

Arrived at Point Comfort, they were agreeably surprised to receive a courteous greeting from Sir John Harvey, the

[1] The Earl of Carlisle was made absolute Lord and Proprietary of all the Caribbee islands, including the Barbadoes, Jan. 2nd, 1627;—and his charter, so far as I have been able to compare it with Lord Baltimore's, was the same as that granted for Maryland.

Governor of Virginia, from whom they had rather apprehended opposition; and there, among the Governor's attendants, Leonard Calvert met for the first time Capt. William Claiborne; to whose energy and enterprise the colony of Virginia had been indebted for the exploration of the bay, and the establishment of a profitable Indian trade from Kent and Palmer's islands.

By the aid of Capt. Henry Fleet,[1] an Indian trader from Virginia, selection was made of an eligible situation for the new settlement, on the site of an Indian village; and on a branch of the beautiful Potomac, with appropriate religious and civic ceremonies, was established St. Mary's, the capital of the colony of Maryland. Now began in reality the trials of this little band of adventurers in the wilderness. The energy and ability and sterling character of Leonard Calvert, the zeal and self-sacrificing spirit of the missionaries, would each furnish topics for a volume; and the pens of valued members of this society have paid a richly merited tribute to both;—I may, therefore, without exposing myself to the charge of want of appreciation or neglect, pass by these themes, in order to dwell, on this occasion, on the character and development of the people, their relation to the Lord Proprietary, and the causes which were in operation to affect their intercourse with and confidence in him, and to modify the social, civil, and religious institutions of Maryland, two hundred years ago.

[1] Capt. Fleet, though a member of the Virginia colony, was induced by Leonard Calvert "to accept a proportion in beaver trade to serve the Maryland colony," of which he was for several years an active and useful member. The unwillingness of the Virginians to part with him, may be inferred from the fact that, on the 11th of May, 1636, the Governor and Council of Virginia, on the plea that "the instant danger and necessity of the colony exacteth this so strict a course," authorised Lieut. Richard Popely "to proceed in a vessel with the first fair wind and weather into the Chesapian Bay and into a river or creek thereof, in pursuit and inquiry of Capt. Henry Fleet; and to apprehend him and bring him prisoner to the Governor." The expedition was not successful; or if Capt. Fleet temporarily visited James City, to assist his old friends in their negotiations or contests with the Indians, he returned again to St. Mary's. He finally left Maryland, however, and again took up his residence in Virginia. *Virginia Records.*

There were three prominent causes, which, from the very commencement of the enterprise, tended to render the task of the Proprietary a most difficult one, and to make his effort to govern and guide his colony, for many years, a continual and oftentimes apparently a desperate struggle against individuals and events. In the first place, he had to encounter the settled opposition of the Virginians to the legality of his charter, and the determined efforts of Capt. Claiborne to maintain his claim to rights of settlement and trade on Kent and Palmer's islands;—secondly, his own construction of his proprietary rights, as absolute Lord, with royal jurisdiction, over the province, was in direct antagonism with those high ideas of the liberty of the subject, which prevailed in England at that period, and which the greater part of the colonists undoubtedly brought with them;—and thirdly, he was of the proscribed Roman Catholic religion; and therefore, though fully trusted by those of the same faith, was, from the beginning, closely watched at home, and an object of jealousy to most of those in the colony, professing the Protestant doctrines, whose numbers increased much more rapidly than that of the Catholics, and whose distrust on this point kept pace with their numerical increase. These influences were modified and aggravated by the disturbed state of public affairs in England, the aspect which the struggle between Charles and the Parliament finally assumed, and the influence which political and religious developments in the mother country, of necessity exerted over the position and fortunes of the Proprietary, and the opinions and actions of the colonists.

A full discussion of the influence which the causes just mentioned exerted on the condition of the colony during the first twenty years of its existence, would lead me fairly to detail the long misrepresented proceedings of Claiborne;—to show what questions of conflicting right arose between the Proprietary and the people, and how they were adjusted;—to sketch, as illustrative of these and of the influence exerted upon the political and religious sympathies of the colonists, by the progress of events in the mother country, the prominent incidents connected with Ingle's rebellion;—to show the

origin and aim of the famous Act of Toleration of 1649;—and to trace the course of events, by which, just two centuries ago, Lord Baltimore was deprived of his jurisdiction, and Maryland was reduced under the government of the Commonwealth of England; while the principles of absolute lordship and royal jurisdiction were discarded from its code, as subversive of the rights of the people, and unfit to be exercised by a subject of that government, which claimed to have put down absolutism in the person of the king, and to have trampled the insignia of royalty under its feet. But, to do justice to all the subjects enumerated, would occupy a much longer time than that usually allotted for the delivery of a public address. I propose, therefore, after sketching the prominent events connected with the early progress of the colony, to discuss the origin of the "Act of Toleration" of 1649, and the events connected with the reduction of Maryland to Parliament in 1652; not because they present strongly attractive points for illustration, or are especially interesting to myself; but because they come nearest in point of time to that period in the history of the colony on which I have determined to dwell, and mark also important epochs in the religious and civil progress of the province.

In the discussion of these topics, I shall speak with the utmost freedom. I have studied the history of Maryland with a deep respect for the high qualities of its founder, and an equal regard for the admirable traits of character manifested by the earlier colonists in their difficult enterprise; but I do not conceive myself bound or even permitted to add a single light to the picture, for the sake of emblazoning their merits in the eyes of their posterity, or to temper a single shade, with a view of covering the weaknesses or the faults, to which as men, they must have been subject. The desire to magnify the merits of our ancestors, is a common, and in the estimation of some, a pardonable weakness;—but he who knowingly attributes to the men of the Past, deeds which they never performed or motives by which they were never actuated, distorts the characters he professes to draw, misleads those

whom he pretends to instruct, and proves himself unworthy of confidence. The simple truth, as to men and actions, should be the great aim of historical narration; and sincerity, diligence, freedom from prejudice, and an extended survey of the causes of events and the characters of individuals and nations, are essential requisites of the Historian.

He who endeavors to obtain a distinct view of the events of long past time, has, in many respects, similar precautions to take and similar difficulties to encounter, with him who endeavors to extend the range of his vision into the remote realms of space. The shades and cross reflections of prejudice, the indistinctness engendered by distance and interposing events, and various other causes, serve to obstruct his view, and to give him but a faint or distorted image of the objects he wishes to survey;—and it is only when he has *achromatized* his mind, purified himself from all bias and excitement, and brought the persons and events that he wishes to examine fairly within his field of vision, and poured upon them the light of truthful inquiry, that he can hope to obtain views of them, worthy the efforts of an honest mind, and worthy the attention and confidence of honest men. Guided by these principles, I shall proceed to detail the facts which I have collected, and the inferences which I draw from them, without pausing to inquire, whether they conform to what has been said by others, whether they flatter or wound the pride of parties and sects, whether they confirm or contradict the assumptions of those who would glorify their country, their state, or themselves, through the merits, real or imaginary, of those who have gone before them.

I must also remark, that the period which I desire to illustrate is singularly barren of romantic or startling incident; and that the topics which I propose to discuss, afford few materials for rhetorical flourish or oratorical display. My aim, on this occcasion, is, rather to deal in facts, however humble, than in speculations, however novel;—to elicit truths rather than to form theories; to impart some useful and reliable information, relative to an interesting period of our colonial history, rather than to amuse or excite those who honor

me with their attention, by highly colored pictures or a declamatory harangue.

For nearly four years after the settlement of St. Mary's, Claiborne, though notified by Governor Calvert that he must consider himself a member of the new colony and submit to its regulations, persisted in his refusal to acknowledge Lord Baltimore's proprietary rights over Kent island, and continued his traffic with the Indians. His justification for this course, consisted in a letter from the king, declaring that he never intended to grant Lord Baltimore any lands already occupied, forbidding the people of Maryland or Virginia to disturb or molest him in his plantation, and continuing to him freedom of trade, notwithstanding the Maryland patent;—in a formal determination by the Council of Virginia, (in answer to his request for advice what course to pursue,) not to relinquish their jurisdiction over the island;—in the general sentiment of the people of that colony in his favor and against Lord Baltimore; and in his own firm conviction of the justness of his cause.

A little more than a year after the landing of the colonists, two collisions took place, (April 23rd and May 10th, 1635,) on the waters of the Chesapeake, between parties of Claiborne's men and an expedition from St. Mary's, sent out by Governor Calvert for the purpose of putting a stop to their trade; in the former of which, one of the Marylanders and three of the men of Kent, including Claiborne's deputy, Lieut. Ratcliffe Warren, were slain. Virginia was at this time in commotion, on account of the deposition of the overbearing Governor, Sir John Harvey, by the people; and it is by no means improbable that his known good will towards Lord Baltimore, and his want of sympathy with Claiborne, were the immediate causes of the popular outbreak that resulted in his removal, and his transportation to England, accompanied by commissioners instructed to lay the complaints of the colonists before the king. It may have been owing to a participation in this movement, that Claiborne,

who had no reason to be friendly to Harvey, was not present at either of these rencounters.[1]

It was not until near the close of the year 1637, that Calvert found himself strong enough to compel Kent island to submission; when Claiborne, seeing the futility of any further attempt at resistance, departed for England, to lay his case before the king in person and ask redress of his wrongs. Shortly after, an Assembly was held at St Mary's; and before this body sitting as a court of justice, was brought one Thomas Smith, who had recently been arrested on Kent island, charged with piracy for his participation in one of the collisions that occurred in the Bay, three years before. A disagreement which had already taken place between the Proprietary and the people, left the authorities in a singular dilemma. The colonists, in a purely democratic Assembly held in February, 1635,[2] had adopted a body of laws and sent them to Lord Baltimore for his concurrence. He, claiming himself the initiative in legislation, refused his assent; and in return, transmitted to the colony a code, which was brought

[1] In September, 1634, Lord Baltimore sent instructions to his brother, to seize Claiborne and detain him a close prisoner at St. Mary's, in case he persisted in his refusal to recognize his Lordship's patent, as covering Kent island. Early in October following, the commissioners of Maryland complained to the Governor and Council of Virginia, of "evil practices by Capt. Claiborne with the Indians, (a point which had been suggested by Lord Baltimore,) to the subversion of *both* colonies;" for which, says the old record, "he was confined at James City till witnesses could be examined against him." In December, 1634, "the complaint of the Maryland Commissioners against Claiborne was heard, and witnesses examined and he and the deponent, &c., sent to England." If these entries (which are not original) in the Virginia records, are accurate, Claiborne was on his way to, or was in England, when these collisions took place; but I am inclined to think them incorrect. A Report of the Committee of the Navy, made in December, 1652, says, "after three years suffering, Col. Claiborne was forced for safety of his life, to fly into England." No evidence, I believe, exists, that he appeared in England for trial in 1635, or that he was there before the commencement of the year 1638.

[2] The first movement in the colony of Massachusetts towards forming a body of laws, was made about the same time;—May 6th, 1635. For want of positive laws, it was then agreed, "that some men should be appointed to frame a body of grounds of laws, in resemblance to a Magna Charta, which, being allowed by some of the ministers and the General Court, should be received for fundamental laws.—*Winthrop's Journal*, 1, 160.

before this, the second Assembly of which we have any account;—but, though strenuously supported by the Governor and a few of his friends, was, by a large majority, rejected. A committee was appointed to draught another code, to be sent to the Proprietary; but in the mean time, the colony was without local laws, by which to try the party accused of piracy. This want of laws, however, was not allowed to obstruct the administration of justice. Smith, on the ground that the Assembly of 1635, had enacted that all offenders in murder and felonies should suffer the penalties provided by the laws of England, was regularly indicted, brought before the House of Assembly, tried, found guilty of piracy, and condemned to death; by a vote in which six of the colonists, who had been present at the affrays in the Bay and testified before the grand jury that found the indictment, participated. The accused, a person of education, demanded benefit of clergy, which was refused; and he was probably soon after hung. So ended the first capital trial in Maryland.

While his unhappy follower was thus atoning for his resistance to the power and orders of the Proprietary, Claiborne was in the presence of the king, urging, with all the fiery energy and determination that marked his character, his claims for redress; and making propositions for a grant, which would have given him thirty-six miles of territory on each side of the Susquehanna, and opened a way for a communication and trade with the Lakes by a route, the advantages of which are at this moment engaging the attention of the capitalists and men of enterprise of our city and state. His case excited the sympathy and his proposals obtained the favorable regard of the king, by whom they were referred to the Lords Commissioners of Plantations; but with that body, Lord Baltimore's influence prevailed; Claiborne's claim to Kent

[1] Capt. Claiborne, as administrator of the estate of Capt. *Thomas Smith*, "shewed (June 30th, 1640,) to the Court at James City, he had paid as far as assets would go, and was discharged." This was probably the party who was tried and condemned to die, in Maryland.

island was pronounced unfounded, and Lord Baltimore's exclusive right to regulate the Indian trade within the limits of his province, distinctly affirmed.

It is a curious commentary on the comparative policy of courts, if not on the justice of this decision, that the same argument which was ineffectually urged, as to Kent island, before the Commissioners of Charles, was put forward by William Penn before those of James II. with entire success. Claiborne maintained that the grant to Lord Baltimore was only of "lands uncultivated and uninhabited, except by savages;" and claimed that Kent island, having been settled and recognized as a constituent portion of Virginia before the charter, could not justly come under his jurisdiction. His objections were put down by the Commissioners of Charles, as invalid. Penn, nearly fifty years after, insisted that a Dutch settlement existed on the west bank of the Delaware, at the time of the granting of the charter; and as it covered only lands unoccupied, it did not include that tract; and the Commissioners before whom he appeared, so far recognized the validity of his plea, as to frame an award which ultimately gave him the Lower Counties, (now the State of Delaware,) a region fifty times as large as that claimed by Claiborne, and as distinctly included within the limits fixed by the charter, as Kent island. If there was justice in one award, there was injustice in the other; and as we contrast the historic reputation and comparative success of the two parties, we are forcibly reminded of the appositeness of the lines of the poet:

> "A saint may do, without the least suspicion,
> Deeds that would sink a sinner to perdition."

Relinquishing all hope of regaining for the present what he still regarded as his property, yet trusting that the time would arrive when he might re-assert his rights and obtain redress, Claiborne returned to Virginia. On his arrival there, he found new causes for hostility to Lord Baltimore and his brother, in the severity which had been exercised by Governor Calvert against his friends on Kent island, the condemna-

tion and execution of Smith, his own attainder[1] by the Assembly, and the confiscation of his entire property within the province of Maryland. Still, he made no further attempt to enforce his claims or obtain satisfaction for his wrongs, but busied himself in the endeavor to retrieve his shattered fortunes, by taking up large tracts of land, and by other active enterprises, within the limits of Virginia.

Relieved from the pressure of the controversy with Claiborne, the Maryland colony began to gain ground; yet two causes still existed to embarrass the intercourse between the Proprietary and his people, and to engender distrust of the government and discussions among the colonists, namely, Lord Baltimore's strict construction of his prerogative, as opposed to the people's liberal interpretation of their rights, and the strong antagonism then existing between the Protestant and Catholic forms of faith. The former had as yet shown itself only in the attempts of both Proprietary and colonists to obtain the initiative in the enactment of laws;—the latter engendered discussions between the Protestants and Catholics of the colony, that called forth from Gov. Calvert a proclamation, prohibiting "all *further* disputes on religious subjects, tending to the opening of faction and the disturbance of the public peace." This, so far as I can ascertain, was the first paper, issuing from either Lord Baltimore or his brother, in which allusion was made to the opposing religious views of the colonists. There appear to have been some

[1] The act of attainder against Claiborne, was passed by the Maryland Assembly, March 24th, 1637–8. It charged him with various acts of contempt, insolence, and rebellion; and upon these, together with his assumed instigation of the acts of aggression committed by Lieut. Warren, of Kent island, on the 23d of April, 1635, (which had been adjudged to be piracy and murder,) was attainted of those crimes by the Assembly. The act declares, "because he hath, since the committing of said crimes, fled and withdrawn himself from the province, whereby he cannot be attainted by any ordinary course of justice," the freemen, considering the premises and the necessity of exemplary justice upon such notorious and insolent rebels and disturbers of the peace and safety of the inhabitants of this province, enact that he be attainted of the crimes specified, and forfeit to the Lord Proprietary all the lands and tenements held by him on the 23d of April, 1635, and all the goods and chattels, of which he may be possessed in the province, at the date of the act.

grounds for jealousy on the part of the Protestants; for the Catholics were not always prudent enough to restrain the expression of their dislike of Protestantism, while the Jesuit fathers were most indefatigable in their attempts to gain converts; and, according to their own report,[1] were so far successful, as to have brought over to the Catholic faith nearly all those who arrived from England during the year 1638, besides four servants whom they bought in Virginia and five traders, not belonging to the colony. At the same time, their efforts were unceasing to restore harmony between the discordant spirits, whose controversies threatened to disturb the peace of the colony, while the Governor and his assistants rigidly enforced the regulations prohibiting religious disputes, even when over zealous Catholics were, in consequence of their disregard of his proclamation, made subject to fine and reproof.[2]

The policy of Lord Baltimore, in regard to religious matters in his colony, has, in some particulars at least, been misapprehended and therefore misstated. The assertion[3] has long passed uncontradicted, that toleration was promised to the colonists in the first conditions of plantation; that the rights of conscience were recognized in a law passed by the first Assembly held in the colony; and that the principal officers, from the year 1636 or 7, bound themselves by oath not to molest, on account of his religion, any one professing to believe in Jesus Christ.[4] I can find no authority for any of these statements. Lord Baltimore's first and earlier condi-

[1] Report of the Fathers for the year 1638.

[2] See trial of William Lewis, (July 3d, 1638,) for calling the author of a Protestant book a minister of the devil, and forbidding his Protestant servants to read in his house a Protestant book, authorised to be read by the state of England. *Council Proceedings, from* 1637 *to* 1644, *and Bozman, vol.* 2, *p.* 596.

[3] Petition to Gov. Sharpe, about the year 1751.

[4] This assertion comes from Chalmers;—who says, "in the oath taken by the Governor and Council, *between* the years 1637 and 1657, there was the following clause, &c. It might be said that the expression "*between* the years 1637 and 1657," is indefinite and does not necessarily mean, *from* the year 1637. But so close a criticism is not necessary. Chalmers, though generally accurate, stated in this case more than was true. We have on record the oaths administered to the Governor and Council in 1639, which we know were in

tions of plantation[1] breathe not a word on the subject of religion; no act recognizing the principle of toleration was passed in the first or in any following Assembly, until fifteen years after the first settlement, at which time a Protestant had been appointed Governor, and a majority of the Burgesses were of the same faith; and when, for the first time, a clause involving a promise not to molest any person professing to believe in Jesus Christ, and "particularly a Roman Catholic," was inserted, by the direction of Lord Baltimore, in the official oath.

It is true that no attempt was made by the Roman Catholics in Maryland, to establish their faith, to the exclusion of other sects, and that a *practical toleration* existed; but this, as we know, was not deemed inconsistent with the most strenuous, and, to a considerable extent, successful efforts on the part of the Jesuit fathers, to convert the Protestants in the colony to their faith. Neither is the fact that the Protestants were allowed privilege of worship in Maryland, conclusive evidence to my mind that Lord Baltimore adopted that policy from an inward conviction of the sacredness of the rights of conscience;—a principle which had not then penetrated the folds of the Catholic, any more than of the Protestant church. If, as is not improbable, the views of Cecilius Calvert co-incided with those of his father, as indicated in his published writings, he felt little sympathy for dissenters from the estab-

use, as late at least as April, 1643; and these contain not a word of allusion to religious matters. Many writers have repeated Chalmers' assertion, and laid great stress upon it, but the evidence of historical writers who depend upon each other, is not cumulative. The first link in the chain must be sound, or the whole will fall.

Langford, a zealous friend of Lord Baltimore, says in his "*Refutation of Babylon's Fall*,"—"his Lordship appointed this oath to be taken by the aforesayd officers, *when he made Capt. Stone Governor, and Mr. Hatton Secretary, and others of his Councell there*;—who being of different judgment in religion from himself, his Lordship thought it but reasonable and fit, that, as he did oblige them by oath not to disturbe any there who professed to believe in Jesus Christ, so to express the Roman Catholics in particular, who were of his own judgment in matters of Religion."

[1] See "Conditions propounded by the Lord Baltimore, to such as shall goe or adventure into Maryland;" in the "*Relation of Maryland*," a pamphlet printed in London, September 8th, 1635.

lished church, and particularly for the Calvinists, whose tenets and efforts against church and state, Sir George Calvert denounced in unequivocal terms.[1]

But, admitting that a conscientious desire to recognize and practice upon the great principle of religious toleration was a leading motive with the second Lord Baltimore, it must still be conceded that he could not have been intolerant, however strongly disposed. His charter conferred on him, it is true, the patronage and advowson of churches in the colony, with license to erect places of worship;—but these were to be "dedicated and consecrated according to the ecclesiastical laws of the kingdom of England." It provided also, (as did the charter of Virginia,) against any construction of its articles, by which "the holy service of God and the true christian religion," (which, of course, in the mind of the grantor, could mean only the ritual and doctrines of the established church,) "should suffer by change in any particular."[2] It was with these restrictions that Lord Baltimore accepted his charter; and with a distinct perception of the necessity of adopting a colonial policy, conformable, in all essential particulars, to the laws of the realm. The only point that he strained, was, in granting to his fellow Catholics a liberty of worship which was denied them by the English statutes; a privilege which, as a faithful son of the Church, he could not have withheld, even had he, on grounds of policy, been disposed; and to which Charles, at a time when the Catholic influence was strong and the vigilance of the law in reference to professors of that faith greatly relaxed in England, was not likely to object.

[1] "The Answer to Tom Tell-Troth, &c." was written by Sir George Calvert, about the year 1630, but not printed until ten years after his death, and then, most probably, by the agency of his son. The main object of its publication was, to vindicate the memory and policy of James, to strengthen the position of Charles, and to rebuke the presumption of those Calvinistic politicians, who were dealing merciless blows at the weakness of the monarch, the corruptions of the church, and the oppressions of the state.

See, in Appendix, No. I. several extracts, illustrative of the spirit manifested by the author towards the reforming sectarians.

[2] See, in Appendix, No. II. some remarks upon the erroneous translation of this passage from Article XXII. of the Charter, hitherto received, and suggestions as to its real meaning and intent.

The policy of the government of Maryland in this respect, as well as the spirit of the people, may be inferred from the legislation of an Assembly held at St. Mary's, in February, 1639. One of the first enactments guarantied to "Holy church in the province all her rights and liberties;" and this was followed by bills securing to the Proprietary his "prerogatives" and to the people their "liberties," according to the provisions of the Great Charter of England.

While the Proprietary and the people of Maryland were thus establishing the colony on a basis, in which the rights of each should be distinctly recognized and fairly adjusted, the people of England, under the stimulus of political and religious excitement, were taking rapid strides in that career of revolution, which was to end in the subversion of the established church and the overthrow of the monarchy. The king was finally compelled, after an intermission of more than eleven successive years, again to summon a Parliament, the members of which assembled, only to be overwhelmed with petitions against public grievances, to deprecate the increasing influence of the Roman Catholics, and to prepare the way for the impeachment and destruction of the hated Strafford and Laud.

From this time forward, we must look for an increasing sympathy on the part of the colonists with the movement in the mother country, and the introduction of a new element, calculated greatly to modify their social and political relations, in the sympathy felt by different portions of the people, according to their education, prejudices, and religious faith, with the royal party on the one hand, or the party of the opposition on the other. This state of things, engendering a restive and factious spirit among the people, made the position of Governor Calvert one of great care and responsibility. A renewal of religious controversy added also to his anxieties. The Protestants complained of a prominent colonist,[1] a Catholic, for having obstructed them in their worship. Almost no the same day, in England, (March 26th, 1642,) Lord Baltimore was brought before the House of Lords on charges,

[1] Mr. Thomas Gerard.

the precise nature of which is not now known, but in consequence of which, he was placed under heavy bonds not to leave the kingdom.

It is possible that these charges had something to do with his Lordship's management of his colony. Certain it is, that, from this time, he manifested great anxiety to avoid every act which would expose him to the charge of contravening, by his colonial policy, the established laws of the realm. His firmness in this particular, and his watchfulness in regard to compromising his proprietary rights, even placed him in opposition to the Jesuit missionaries in the colony, to whose aid he for a time refused to allow others to be sent, unless they would pledge themselves to make their practices conformable to the policy of the English government, and leave him the full exercise of his prerogatives.

The missionaries, who were zealously laboring among the natives as well as in the colony, had received as a gift a considerable tract from the chief of the Patuxents, and perhaps other similar donations. But, their holding these lands was in contravention of an old English statute, that no religious community should, by gift or otherwise, obtain or hold landed property, without the consent of the civil authorities; and of an established law of the province, that no person should receive lands therein of the Indians or others, without a grant from the Proprietary;—for it was manifest if the missionaries were allowed to do this, it would not only expose him to accusation in England, but established a precedent, that might ultimately undermine his proprietary right to dispose of the soil of his province. He therefore sent out a new commission for the Governor, with new conditions of plantation, in which, in conformity to the English statutes, all fraternities, as well spiritual as temporal, were declared incapable of inheriting or holding lands within the province, unless by particular license from his lordship; and an oath was prescribed

[1] It is worthy of note, that, while Lord Baltimore was defending himself before the Committee of the House of Lords in London, Claiborne received from the king, then at York, the appointment for life of Royal Treasurer of the colony of Virginia.

for every person taking up land, binding him not to accept, directly or indirectly, from Indians or other persons, lands or tenements, except for his lordship's use.

These documents were received in Maryland in the summer of 1642; but the clauses in the conditions of plantation, just noted, gave great dissatisfaction to the missionaries, who claimed to be exempted from their operation, on the ground that the rights and privileges of "Holy Church" had been guarantied by act of Assembly; and that the conditions could not be enforced without violating the papal decrees, as well as the established law of the province. Governor Calvert and Secretary Lewger held a conference with them on the subject; but they declared that to publish or administer the oath prescribed for applicants for land, or to enforce the clause against religious fraternities, would expose them to the severest penalties imposed by the church.

Their remonstrance and the fear of committing a mortal sin or incurring excommunication, prevailed. The features in the conditions, which to the pious fathers appeared so exceptionable, were for the present softened down. But Lord Baltimore was determined to have his proprietary rights acknowledged by every inhabitant of the colony, and to keep the civil, paramount to the ecclesiastical power. The Jesuits were soon after (Oct. 1642) desirous of sending two additional laborers to strengthen their mission in Maryland; but Lord Baltimore positively refused his assent, unless, before assuming their functions, they would subscribe to conditions proposed by him. His nearest relatives interceded, but in vain; and the fathers were finally obliged to yield the point. The preamble was strongly and significantly expressed. "Considering the dependence of the government of Maryland on the state of England, unto which it must, (as near as may be,) be conformable, no ecclesiastic whatever in the province ought to expect, nor is Lord Baltimore nor any of his officers, (although they are Roman Catholics,) obliged in conscience to allow to said ecclesiastics any more or other privileges, exemptions or immunities for their persons, lands, or goods, than is allowed by his Majesty or his officers to like

persons in England." This was followed by clauses in which the obligation of the clergy not to take lands from the Indians was acknowledged, as also their liability, like other persons, to legal procedures, for the doing of right or for maintaining the prerogatives of the Proprietary; and all this, without entailing upon the authorities the imputation of sin, or the censure of the papal *Bulla cœna* [1] for so doing. The two priests sailed for Maryland; but those of the colony adhered to their former opinion, and even brought the new comers over to the same view; so that the adoption of the line of policy, in this particular, so anxiously desired by his Lordship, was delayed for several years.[2]

The disposition on the part of the colonists to accept lands from the Indians, as the missionaries had done, or to occupy tracts without a formal grant from his lordship, seems to have greatly troubled him and his brother at this period; and, with other causes of distrust and embarrassment, led Leonard Calvert to seek the personal advice of his brother in

[1] By the *Bulla in cœna Domini*, the Pope asserts full supremacy over all powers and persons, temporal and ecclesiastical. It forbids all persons whatsoever, directly or indirectly, to violate, depress, or restrain the ecclesiastical liberties or rights of the apostolic see and church of Rome, howsoever and whensoever obtained or to be obtained, under pain of excommunication; and all who presume to oppose any of its provisions, are left under the displeasure of Almighty God.

Lord Baltimore's requirements were in violation of articles in the Bull, one of which forbade the subjection of ecclesiastical persons to the secular tribunals; and he must have either had a special exemption, or have been one of those, who doubted the power of the Pope to interfere with the administration of civil law in remote nations. The Parliament of Paris did not hesitate to deny the binding force of this Bull upon France; and I believe many of the Roman Catholics of England, did not consider it fully binding upon them.

The authors of a tract entitled "Virginia and Maryland," published in 1655, in answer to one by Lord Baltimore, (probably the agents of Virginia in England) say, Lord Baltimore "first made Maryland a receptacle for Papists, Priests and Jesuits, in some extraordinary and zealous manner; *but hath since discontented them many times and many ways*; *though intelligence with Letters, Bulls, &c. from the Pope and Rome be ordinary for his own interests.*" Perhaps they referred to the controversy with the priests, which has been detailed.

[2] Reports from the Jesuit Fathers; Correspondence of Mrs. Anne Peasley, (sister of Lord Baltimore,) Articles of Agreement, and other documents;—for the opportunity of inspecting which, I am indebted to B. U. Campbell, Esq.

England, (April 1643.) The result of their conference, was a determination on the part of the Proprietary to visit the colony in person early the following year; a resolution which, however, he was unable to carry into effect. After a stay of nearly a year in England, Leonard Calvert returned, bringing with him, as an evidence of his own loyalty and a proof of the confidence of his sovereign, authority to treat with the Assembly of Virginia, for the passage of an act for levying customs in that colony, for the use of the king; of which revenues, Cecilius, by a special contract, (April 1644,) was to be Collector or Receiver.

He found, on his return, the affairs of the colony in great confusion. Richard Ingle,[1] a captain of a ship engaged in trade with the colony, had, not long before his arrival, been proclaimed by the authorities a traitor to his majesty, his vessel seized, and an attempt made, though unsuccessful, to accomplish his arrest;—the surrounding Indians had become hostile;—the principal officers of the government were at variance;—and a portion of the people factious, especially on Kent; the inhabitants of which shewed a leaning towards their old leader, Claiborne, who also manifested a disposition to revive his claim to that island. Governor Calvert brought with him a new commission of government, and new conditions of plantation; in which was inserted a clause, requiring from all who should henceforward take up lands, an oath of fidelity to the Proprietary, recognizing his "absolute rights" and "royal jurisdiction," instead of the oath of allegiance to the king, formerly exacted. This was, in substance, the oath which had been opposed by the missionaries, and the enforcement of which, in after times, was made the plea for resistance to the authorities, and the ground of a controversy, that finally ripened into civil war.

Early in February, 1645, the Governor called an Assembly; but hardly had the session been opened, when St. Mary's

[1] "The last ship that goes now thither, under the command of Ingle the master, will be ready to sail from Gravesend about a fortnight or three weeks hence." *Letter from Wm. Peaseley, Oct. 7th,* 1642.

was surprised by a force under Capt. Ingle, acting probably under a commission from Parliament; and, before the people could recover from their panic, the members had dispersed, Calvert was a fugitive in Virginia, and the province in the hands of Ingle and his adherents. The invaders appear to have made a severe use of their success. The friends of Lord Baltimore were subjected to exactions, and some of them driven from the province; the Jesuit fathers were seized and sent to England for trial; and an oath of submission was tendered, which may have been taken by the Protestants, but which only a single Catholic was even suspected of having subscribed, and he was afterwards vindicated by the Assembly from the suspicion.

The odium of these and other excesses has long rested on Claiborne, whose name it is common to associate with that of Ingle in this invasion. But Claiborne can be shewn to have been in his place in the Virginia legislature when Ingle made his demonstration on St. Mary's; and, during the time of the occupancy of Maryland by the invaders, to have been a regular attendant on the courts of that colony, where his official duties as Treasurer, required him to be present. That he re-asserted his claim to Kent island, during this period, is true;[1] but this, I believe, was the extent of his connection with a movement, the credit or the odium of which properly belongs to Ingle alone.[2]

A fugitive in Virginia,—Leonard Calvert endeavored to

[1] In "*Plantagenet's New Albion*," a pamphlet published in 1648, giving an account of the author's wanderings, about the year 1645, in search of a convenient place for settlement, I find the following passage, which shows the religious character of the movement in Maryland and the extent of Claiborne's interference: "I went to *Chicacoen*, avoiding Maryland, for then it was in war both with the *Sasquehannocks*, and all the Eastern Bay *Indians*, and a civill war between some revolters, *Protestants*, assisted by fifty plundered Virginians, by whom M. Leonard Calvert, was taken prisoner and expelled; and the Isle of Kent taken from him also by Captain Clayborn of Virginia."

[2] A tradition is still current in the Claiborne family, that their progenitor once headed an expedition, during which he took Governor Calvert prisoner, carried him to Kent, gave him a severe flogging, and expelled him from the island. The story probably had its origin in the events of this period.

interest the Governor and Council in his behalf; but succeeded only so far as to induce them to express the opinion that Captain Claiborne should "for the present surcease to intermeddle with the government of the isle of Kent," and to propose a reference of the differences between him and the people of Maryland to their arbitration. At the same time, (Aug. 9th, 1645,) they informed him, that "in respect of their daily opposition by the Indians, they could send him no help."[1] The Governor, seeing that what he had in view must be accomplished by his own efforts and resources, addressed himself to the work; and by the close of the year 1646, was at the head of a considerable force, with which he made a descent upon St. Mary's, and again became master of the province. With this service, closed a life, the best years of which had been faithfully devoted to upholding the proprietary interests of his brother and laying the foundations of his colony. He died on the 9th of June, 1647.

Thomas Greene, a member of the Council, became his successor; a man of activity and zeal, but unfortunately wanting in principle, and unsustained by the confidence and respect of the colonists. Notwithstanding his energy, had it not been for the spirit and tact of a lady, the province would have been a second time revolutionized. The soldiers, whom Governor Calvert had kept in arms since his return, and for whose payment he had pledged his own estate and that of his brother, were on the point of mutiny for want of pay; when Miss, or in the phrase of that period, Mrs. Margaret Brent, as the administratrix of Leonard Calvert's estate and attorney for his Lordship, made use of the only currency at her command,—paid off the exasperated soldiery in cows, heifers, and calves, of the Proprietary's private stock, and saved the province.[2] For her use of his cattle, Lord Balti-

[1] Virginia Records.

[2] The name of this lady deserves also to be remembered, in these days of reform, as one who, not only proved herself equal to the most complicated legal transactions and the most trying emergencies of state, but if accounts are true, led the way in Maryland, in the assertion of the unrestricted rights of her sex. While the members of the Assembly were earnestly occupied with mea-

more also repaid her with reproaches, and even carried his complaints to the Assembly; which, after some sharp correspondence, voted him an indemnity. This amusing passage between the Proprietary and the Assembly, may remind the classical student of the controversy in the Homeric Hymn to Mercury; in which the roguish hero, charged by Apollo with being concerned in the abstraction of his oxen, asks with all the energy of injured innocence,

> "Apollo! why this harsh complaint of thine?
> Why com'st thou here to seek thy missing kine?"

The termination of the two controversies was somewhat similar, only in point of liberal atonement in favor of the Maryland Assembly; for, while Mercury, after much hard swearing, was at last induced to restore the stolen cattle, and, as some amends for his mischief, presented Apollo with the lyre, just invented by him, the Assembly agreed to replace his Lordship's "missing kine," with "sixteen cows and a bull," which they gravely assure him is more, by a third, than has ever been found of his known stock in the colony, since its recovery.

It would aid us in unwinding the tangled thread of our colonial history, could we precisely fix the position and political affinities of Lord Baltimore at this period. That he was, as late as April, 1644, an adherent of the king, we have seen; but, of his course for several subsequent years, we know but little. England was at this time in great commotion. Charles was under constraint on the isle of Wight;

sures for preserving their own rights as freemen, they were startled by a demand openly preferred by Miss Brent, that shewed her greatly in advance of the times, in her appreciation of the rights of women, and involved pretensions, which, though strange to the legislators of that day, are by no means unfamiliar to the ears of those of the present. This was no less than a claim to be allowed one vote in the House for herself, and one as his Lordship's attorney;—but the Governor ungallantly refused to put the question, and the injured lady, as her only means of retaliation, protested in form against the acts of that session, as invalid, unless her vote were received and recorded, as well as those of the male members.

the Independents and the Presbyterians were struggling for the mastery; the former were charged with meditating the destruction of the king; the latter were willing and anxious to have a sovereign, provided only he would adopt their saving faith. Hence, arose a general movement in favor of Charles;—royalist insurrections in Kent, Wales, and other parts of the kingdom; the revolt of a portion of the fleet; and an invasion from the Scotch, who marched, breathing complaints against the Independents for their "impious act of toleration," and swearing not to allow the introduction of Episcopacy into their kirk, yet claiming to vindicate the rights and protect the sacred person of the king.

Cromwell, now the main reliance of the Independents, marches westward with a strong force, extinguishes in blood torch after torch of insurrection, sweeps rapidly by Bath, and throws all the weight of his iron ranks upon the hapless rebels of Wales. Fairfax dashes upon the centres of insurrection in the east, and drives the insurgents in hopeless rout before him. In the north, affairs as yet look favorable for the king.

In the city of Bath, in the midst of this din of war, we now find the Proprietary of Maryland, his attention fixed upon his little empire across the sea, which he is anxiously endeavoring, at the same time to strengthen and hold in subjection. His position and his prospects are, in several particulars, similar to those of his ill-fated sovereign.

Charles contended for his royal prerogatives, the English Parliament and people for their ancient privileges and liberties;—Lord Baltimore, in effect a king, strove to maintain his rights against an Assembly and a people, sturdy offshoots from the old English stock, who, in changing their domicile, had not lost their taste for the "strong meat of Saxon freedom" that the mother country had given them to eat;—and, retaining the national jealousy of attempts on their rights as freemen, kept close watch on the movements of Proprietary and Governors, and, often unjustly suspicious of both, expressed their discontent in most audible remonstrances, or by actual rebellion. The king struggled to recover a power

which had been violently torn from him by fanatical sectarians;—the Proprietary had seen his authority overthrown, his rights denied, his representative driven from the province by adherents of the same rebellious party. The king, an Episcopalian, negotiated with the Catholics of Ireland for a force to assist him in recovering his throne, and, to obtain pecuniary aid, even offered to pledge his kingdoms as security;—the Catholic brother of Lord Baltimore, a fugitive in Virginia, gathered forces from among the Episcopalians of that colony, for whose payment he pledged his own estate and his brother's province; but, more fortunate than his sovereign, by their aid regained his place, and restored the province to its rightful proprietor.

Between the policy of Charles and that of Lord Baltimore in regard to religion, no parallel can be drawn. Charles attempted, by rash and tyrannical measures, to proscribe dissenters and compel conformity to the established church, an effort which was one of the principal causes of his overthrow;—Lord Baltimore, a member of a proscribed and disfranchised sect, had not the power, even had he felt the inclination, to make Catholicism the exclusive religion of his colony, or to shut out from it the followers of Protestantism. Governor Berkeley, the zealous Church of England man, could do that in Virginia, which might have cost the Catholic Proprietary his province; and, from the beginning, his good sense taught him, that, to save those of his own creed from oppression, even in Maryland, his true policy was, not to open the religious question; not to force the right of Roman Catholics to liberty of conscience upon public notice, but quietly to adopt such regulations in the province, as would keep down all religious discussions,[1] and leave every

[1] Much stress has been laid by some writers on the case of William Lewis, a Catholic, who, in July, 1638, was charged by certain Protestant servants in the colony, with interrupting them while reading passages from *Smith's Sermons*, in which the Pope was called Antichrist, and the Jesuits antichristian ministers, &c., and forbidding them to read the book, the author of which, he asserted, was himself an instrument of the devil. For this offence, as a transgression of a proclamation "made for the suppression of all further disputes

man to the enjoyment of his own opinions, provided he did not interfere with those of others.

The religious question, which became so marked an element in the struggle in England, and in fact, the turning point in the later negotiations between Parliament and the king, did not, for some time, become prominent in Maryland. With the existing arrangements on this subject, all parties appeared satisfied; and the Protestants, who, for fifteen years were with few exceptions Episcopalians, though occasionally carried away by excitement or the intrigues of interested persons to resist the government, were, up to the year 1650, faithful supporters of his Proprietary claims;—some of the most unreserved recognitions of his rights having been made when they commanded a majority in the Assembly.

A close survey of the tendency of political affairs and the state of religious feeling in England and in his province, now determined the Proprietary to change his colonial policy, and to transfer the government of Maryland from the hands of the Catholics, who had held it since the first settlement, to those

tending to the opening of a faction in religion," Lewis was promptly fined. The sentence is appealed to, as an evidence that toleration was the established law of the colony; but to my apprehension, a proclamation to suppress all religious discussions, avowedly to preserve the public peace, is one thing;—the recognition by law or otherwise of the inalienable right of men to think for themselves on religious subjects, quite another.

If the enforcement of Gov. Calvert's proclamation proves tolerance, it will be easy to show that the Massachusetts authorities were tolerant in the same way and on the same principle. Hubbard, an old writer, says, "it was on that account (the disturbance of the civil peace,) that men suffered (in New England,) under authority, and not for their opinions;—for if men that have drunk in any erroneous principles, would also make use of so much prudence as not to publish them in a tumultuous manner, and to the reproach of the worship established in the place where they live, they would not have occasion to complain of the severity of the civil laws."

The Sermons mentioned above, were by Henry Smith, a divine of the Church of England, but of the Puritanic party, and "by them esteemed the prime preacher of the nation." The volume, "containing necessary and profitable doctrine, as well for the reformation of our lives as for the comfort of troubled consciences in distress," was published in 1592. The only copy I have ever seen, is in the valuable library of Bishop Whittingham, of this city.

of Protestants. Accordingly, in the summer of 1648, (June 20th,) he set his seal to new conditions of plantation, in which he inserted the restrictive clause concerning religious fraternities, that the fathers had successfully opposed, six years before. These were followed by a commission (Aug. 1648) appointing to the government of Maryland, Capt. William Stone, a Protestant and a gentleman of standing, who had for some years been High Sheriff of Southampton county in Virginia, and who had recently contracted to introduce five hundred settlers, of English or Irish descent, into the province.[1] The commission to Governor Stone and the accompanying papers are remarkable, as indicating the first steps of Lord Baltimore in a system of politic deference to the prevailing religious and political opinions of the times, an entire re-modeling of the laws, and a legislative recognition of the principles of toleration previously practised in the colony, and

[1] The only item I have been able to obtain, relative to this gentleman's personal history, is so amusingly illustrative of the customs of that period, that I must be excused for introducing it. It appears that Capt. Stone, in connection with John Rosyer, had charge of the funeral of one William Burdett. Among the bills of expenses, was one brought by Dr. Richard Hall for wine drank during the ceremonies, to the value of 4320 pounds of tobacco, sent for and received by the managers. Payment having been declined, a suit was brought against the Sheriff and his friend; but, says the record, "no proof appearing against Capt. Stone, but it appearing that the wine was sent for by Rosyer," the former was exempted and the latter sentenced to pay the bill in full.

Either wine was dear in Virginia at that time, or those who attended made a merry funeral of it. If the physician who supplied the wine attended the patient also, and charged as largely for his prescriptions as for his refreshments, his bill may also have been subjected to legal scrutiny. The extortion of medical practitioners, had before that time become so oppressive in the province, that the Assembly had felt itself obliged to pass a law, compelling every physician to swear, if required, to the cost of the drugs charged in his bill, and to submit to such reduction as the Court might prescribe. Nor were the medical faculty alone in bad odor; for, at the same period, attorneys were by law prohibited from practising in the province, on account of the litigious spirit their presence and profession were believed to engender; while a standing enactment forbade clergymen to "give themselves to excesse in drinkynge or riott, or to spend their time idly by day or night, playing at dice, cards, or any other unlawful game." If on these laws is to be based our estimate of the learned professions in Virginia at that period, the inhabitants of our sister state have reason to congratulate themselves on the wonderful change which two centuries have wrought in their practices and position.

then upheld by the Independents alone in England, but not even by them extended to the Roman Catholics.

The honor of originating this measure has long been the subject of controversy, and claimed alike by Catholics and Protestants; by the former, on the ground that the instructions and laws which embodied that divine principle emanated from Lord Baltimore;—by the latter, because the laws were enacted by a Protestant Assembly, over whom and whose constituents they were to be enforced. My investigations into the origin of these laws, have convinced me that they originated primarily neither with Lord Baltimore nor the Assembly; that their provisions sprang from no congenial principles at that day active in either the Catholic or Protestant divisions of the church; that they were drawn up in deference to the progressive doctrines and increasing political strength of the Independents in England, as well as to meet the wants of the mixed population of the province; and their adoption was an act prompted far less by feelings of religious benevolence than by civil necessity. If this view be correct, neither Catholics nor Protestants, as sects, at the present day, have any especial ground for self-laudation on the subject, nor any reason for attempting to make capital, in opposition to each other, out of what was done by their predecessors in Maryland, two hundred years ago.

The commission to Gov. Stone, besides surrounding him with restrictions in various particulars, that shew the Proprietary's jealous guardianship of his royal prerogatives, contained a clause, to be found in no preceding commission,[1] binding him not to molest any persons professing to believe in Jesus Christ, *and in particular any Roman Catholic*, on account of their religion, so long as they were neither unfaithful to his lordship nor conspired against the government; and to

[1] On this point, I am at issue with Chalmers and those who copy him, who assert that the Governors' commissions, "*between* 1637 and 1657," or *from* 1637 forward, contained a similar restriction. The matter has been referred to in a previous note. When I see the *authority* for such an assertion, I shall readily acknowledge my error, and concede the early date of the clause, which at present I entirely doubt.

make no distinctions in appointments to office on account of religious opinions. Similar restrictions were inserted in the oaths prescribed to the subordinate officers, the greater part of whom were now Protestants. With these papers was transmitted to the colony a body of sixteen laws, to which the people, through their Assembly, were required to give their assent, "without alteration, increase or diminution," within twelve months, or they were to be of no effect.

This body of laws, which in several respects modified the government, is believed by many to have been drawn up by Lord Baltimore himself. But his own words are, these "acts were proposed to us for the good and quiet settlement of our colony; and, finding them very fit to be enacted as laws there, we do consent that Gov. Stone shall propose them to an Assembly." They may have been recommended by Gov. Stone, as containing the principles on which he believed his government could be made stable, and the people be brought to live in quiet; or they may have been drawn by Thomas Hatton, the new Protestant Secretary, who was made the bearer of the commissions and laws to the province. To Lord Baltimore is due the credit of having recognized their general justice and their adaptation to the wants and religious condition of the colony; though, by coupling his expression of approval with the impolitic restriction, that the whole accompanying body of laws must be passed without the slightest alteration by the Assembly, he rendered their rejection almost certain. Indeed, had not that body, as we shall see, after rejecting his code, proceeded to form one themselves in which they embodied the act concerning religion, that important legal recognition of the rights of conscience, would have been still longer delayed.

Early in April, 1649, Stone's government was in operation, and an Assembly met at his call at St. Mary's, to discuss the laws recently received, as well as other matters connected with the interests of the colony. Two objections were raised to the code;—first, that an act of recognition of Lord Baltimore's proprietary rights contained in it, was oppressive and unjust; and, secondly, that the *royal* jurisdiction and *abso-*

lute dominion claimed in an oath of fidelity prescribed in it, went beyond the provisions of the charter and "implied a slavish subjection of the people." Independently of these objections, the disgust of the members at having laws presented for their adoption, which they were forbidden to modify or amend, would have formed an insuperable obstacle to their passage, and his lordship's code was laid aside.

But while they rejected his lordship's body of laws, they showed, as in their earlier legislation, no unwillingness to prepare one themselves; and, professing a sincere desire to meet the views of the Proprietary, selected from his code the enactments which they deemed essential for the preservation of the civil and religious repose of the colony, to which they added others of their own. Among the former, was the celebrated "Act concerning Religion;"—the provisions of which were so luminously in contrast with the rigid conservatism of Virginia and the restrictive Puritanism of Massachusetts,[1] that their light has remained as a beacon in the path of our colonial history, and the fact of their enactment has long been regarded as giving every true Marylander just ground for pride in the liberal spirit manifested by his ancestors, two hundred years ago.

The author of the act in question, whoever he may have been, understood that his aim must be, to harmonize the dis-

[1] An erroneous impression prevails, that the early code of Massachusetts was founded on the Mosaic law. I have shown in a previous note, that the people of that colony made their first move towards a regular code, early in 1635, soon after the Maryland colonists had prepared theirs for Lord Baltimore's acceptance. An abstract of laws, taken from the Mosaic code, was in consequence drawn up and presented to the General Court by the Rev. John Cotton, but not adopted,—though afterwards published in London in 1641, as "the laws of *New England*, as they are now established." Hence the error which has prevailed relative to the Massachusetts code. The laws, one hundred in number, actually accepted, were drawn up by Nathaniel Ward, author of "*the Simple Cobbler of Agawam*," and were adopted in December, 1641, under the title of "the Body of Liberties of the Massachusetts colony in New England." This was the first code established there. In June, 1649, after laborious and protracted efforts to codify and improve the laws extant, the "Liberties" were put to press;—so that Maryland and Massachusetts commenced their labors of legislation and remodeled their code, nearly at the same time. I regret that I cannot devote some space to a comparison and contrast of their characteristics.

cordant religious elements of which the Maryland colony was composed. The enactments proposed by him, therefore, form a compound, the elements of which are to be found in the acts or public professions of the Presbyterian, Catholic, and Independent sects of that day; and were collected and combined, with a view of conciliating and satisfying persons of each and all of these antagonistic opinions. Let us now endeavor to trace the sources whence the different portions of this remarkable statute were derived.

In May, 1648, the Presbyterian party in Parliament, gathering courage after a period of absolute panic, called up and passed an ordinance against blasphemy and heresies, which, by the influence of the army had been kept back nine months; the stern severity of which has given rise to congratulations, that men capable of such enactments on religious subjects, did not succeed in obtaining supreme power. By this ordinance, any person denying the existence of God, or the persons of the Trinity, that Christ is the Son of God, and several similar dogmas, was, on complaint of two witnesses, to be brought to trial, and, if he would not abjure his errors, to suffer death,[1] without benefit of clergy.

The Maryland law, drawn up three months after, embodied similar specifications and the same terrible penalty;—only there was no opportunity given for recantation, and the goods and land of the offender were to be confiscated for the use of the Proprietary. In this respect, the Maryland law was even more severe than its model.

By the second clause, any person uttering reproachful words concerning the Virgin Mary or the Holy Apostles or

[1] By the Laws and Orders of the colony of Virginia, established May 24th, 1610, impious or malicious speech against the Holy Trinity, or against the known articles of the christian faith, or any word or act tending to the derision or despite of God's Holy Word, was made punishable with death. For using unlawful oaths, or taking the name of God in vain, the penalty of a first offence was, severe punishment;—of a second, to have a bodkin thrust through the tongue;—of a third, death.

In the Massachusetts "Liberties," of 1649, worshipping any God but the Lord God,—*witchcraft*, and blaspheming the name of God, the Father, Son or Holy Ghost, were made capital offences.

Evangelists, was to suffer fine for the first offence, or if destitute of goods, to be whipped;—for the second, a fine, or whipping and imprisonment;—for the third, banishment and forfeiture of lands. This, as was afterwards declared by one[1] of Lord Baltimore's friends, was inserted in deference to the views of the Roman Catholics in the province.

By the third clause, any person calling another by any name or terms, in a reproachful manner, relating to matter of religion, was to suffer fine, whipping, or imprisonment, and ask forgiveness of the aggrieved party. Some propositions springing from the Independents of that period, resemble this clause in form, though not precisely in the enumeration of sects. A similar clause was also introduced in one of the negotiations between the contending parties in Europe, during the Thirty Years' War. This was evidently intended to meet the peculiar condition and mixed religious character of the population of Maryland.

The fourth clause fixed penalties for profaning the Sabbath or Lord's day, similar to those enforced in the Church of England, as well as among the various dissenting sects.

The fifth and last clause of the enactment, commencing with the noble postulate, that "the enforcing of the conscience in matters of religion hath frequently fallen out to be of dangerous consequence in those commonwealths where it hath been practiced," enacts, "for the more quiet and peaceable government of the province and the better to preserve mutual love and unity among the inhabitants," that no person, professing to believe in Jesus Christ, shall henceforth be molested, troubled, or discountenanced on account of his religion, nor the free exercise thereof, nor any way compelled to the belief or exercise of any other religion, against his

[1] John Langford's "*Refutation of Babylon's Fall in Maryland*," published in London, 1655. The Act concerning Religion, he says, "was passed by a General Assembly in Maryland in 1649, and assented to by the Lord Baltimore in 1650; and the intent of it being to prevent any disgusts between those of different judgments in Religion there, it was thought necessary to insert that clause concerning the *Virgin Mary*, of whom some, otherwise, might perhaps speake reproachfully, to the offence of others."—p. 32.

consent;—so he be not unfaithful to the Lord Proprietary, nor molest or conspire against the civil government.

The counterpart of this portion of the law, is to be found in the "Agreement of the People," a paper submitted by the officers of the English army to the consideration of their countrymen, in which they proposed to change the form of government. In this address, after disclaiming the idea of continuing in force "any laws or covenants whereby to compel men by penalties or otherwise to any thing about faith or worship, or of restraining any person from professing his faith or exercising his religion according to his conscience," they demand that "all who profess faith in God by Jesus Christ, however differing in judgment from the doctrine, discipline, and worship publicly held forth, shall not be restrained from but protected in the exercise of their faith and the practice of their religion, so they abuse not this liberty to the civil injury of others or the disturbance of the public peace."[1] Here we have the substance, and indeed almost the form of the closing enactment of the Maryland law.

There was one sect, however, in whose favor the latter law made especial exception, to which the English document shewed no mercy. Here, the old national prejudice still asserted its power; and the very voice which proclaimed to Englishmen in tones of majestic harmony the doctrine of perfect liberty of faith to all believers in Jesus Christ, died away in discord, with the denial of all religious rights to the followers of the Pope. But Lord Baltimore was differently situated. A Roman Catholic himself, he lived in the midst of those who denied him the religious privileges they claimed for the meanest in their own communion; yet he was able to avail himself, in this period of religious excitement, of the doctrines of influential Protestant sects, to secure the quiet of his distant colony, and to protect by law, those of the

[1] The Independent clergy, before this period, had insisted on toleration, in their discussions in Assembly with the Presbyterian divines, who refused to countenance any but those of their own faith; and I think it probable that similar propositions in favor of all believers in Jesus Christ, were made by them, before the issuing of the "Agreement of the people."

inhabitants from oppression, who were of the same proscribed faith with himself. And this, I believe, in view of the fact that he was about to place the control of the colony in the hands of Protestants, was a strong motive for his support of the act of religion transmitted by him from England in 1648, in which the principles proclaimed by different sects of the Protestants themselves were made available for the peace of the colony and the protection of the Roman Catholics in Maryland.

The impression is somewhat prevalent, that to our state belongs the honor of the first legislative movement in favor of religious toleration on this continent; but such is not the fact. As early as 1645, an act in favor of the broadest toleration, more comprehensive even than that of Maryland, since it included the Jew and the Turk, was brought before the representatives of those who, twenty-five years before, had landed on Plymouth rock. "The sum of it," says Winslow, the Governor, in a letter to Winthrop, then Governor of the Massachusetts, "was, to allow and maintain full and free toleration to all men that would preserve the civil peace and submit unto government; and there was no limitation or exception against Turk, Jew, Papist, Arian, Socinian, Nicolaitan, Familist, or any other." A majority of the deputies and three of the assistants were in favor of the act; but the Governor, fearing that, if carried into effect, it would "eat out the power of godliness," refused to put the question, and stifled the law. "By this," pathetically concludes the writer, "you may see that all the troubles of New England are not at the Massachusetts." Thus, nothing but the hesitancy of a timid magistrate prevented the Puritan Pilgrims of Plymouth[1] from bearing away from the Roman Catholic

[1] We are too apt, in referring to the civil and religious traits of the early settlers of New England, to confound the different settlements with each other. Massachusetts and Plymouth were distinct in government and laws, and in some particulars, essentially different in feeling. "The Plymouth colonists, in religious matters, were more tolerant than their neighbors of Massachusetts. When Roger Williams had been driven from Massachusetts for his opinions, and was reduced to extreme indigence, Governor Winslow of the Plymouth colony, aided him by money and advice. 'That great and

and Protestant Pilgrims of Maryland the honor of the second legislative recognition on this continent of the sacred rights of conscience.

This spectacle of the wise, the powerful, and even the pious, rejecting the principle of toleration as tending to the subversion of religion and authority, was not to be seen alone in the colony of Plymouth. The noblest minds of that day, so far as intellectual reach and profound scholarship were concerned, shrunk from the word, as one, the mere utterance of which was sufficient to shake down the walls of Zion and undermine the foundations of civil government; and it was left for those, in one sense humble and illiterate, but in a higher, truly noble and enlightened, to see by the flame of the stake, and amid trials and persecution, the true nature of that liberty wherewith Christ designed to make man free.

Yet, what the Plymouth colony failed to do, through the weakness of her executive, was actually accomplished in the "Providence Plantations," the asylum of Roger Williams. Two years before the session of the Maryland Assembly, of which I have spoken, the people of that settlement formally adopted a code, having the democratic principle for its basis, and containing this noble enactment: "All men may walk as their consciences persuade them, every one in the name of his God;—and let the saints of the Most High walk in this colony without molestation, in the name of Jehovah, their God forever and ever."[1] In the same spirit, Roger Williams, perhaps the author of that code, wrote in after years to the people of his beloved Providence, in the following terms: "Suppose a ship goes to sea with many hundred souls on board, whose weal is common. This is a true picture of a commonwealth or human combination or Society. It hath fallen out

pious soul, Mr. Winslow,' said Williams, 'kindly furnished me at Providence, and put a piece of gold into the hands of my wife for our supply.'" *Moore's Lives of the Governors of New Plymouth and Massachusetts Bay*, p. 118.

[1] Proceedings of the first General Assembly for the Incorporation of the Providence Plantations, and the code of Laws adopted by that Assembly in 1647, p. 50.

sometimes, that both Papists and Protestants, Jews and Turks may be embarked on board one ship. The liberty of conscience I plead for, turns on these hinges;—that none of these Papists, Protestants, Jews or Turks be forced to come to the ship's prayers or worship, if they have any."

Maryland, however, was the first American colony in which the principle of toleration was practically carried out, although its recognition by statute, dates fifteen years later than its actual introduction into the colony. This was co-incident with the first arrival of the expedition of settlement, composed of both Catholic and Protestant colonists; and its origin, I have already stated to have been, in my opinion, not simply of a religious character, but an unavoidable consequence of the provisions of the charter, the peculiar position of the Proprietary, and the mixed religious opinions of the people; which, while the colony was controlled by a Roman Catholic, rendered any other policy than that of toleration, to the last degree impolitic, if not impossible.

This opinion, however, is stated, not with a view of detracting from the honor justly due to Proprietary and people, in connection with the subject, but to place that honor on its proper foundation. The causes that lead men to a perception of truth, do not always lie within the compass of the particular subject to which the principle recognized belongs. As, in science, some of its grandest discoveries have had their origin in circumstances, not commonly recognized as included within its peculiar circle, so, in religion, some of its most sublime doctrines, and among them that of the inviolability of the human conscience, have been made clear to the comprehension of men in earlier times, not so much by a direct perception of the essence of religious principle, as by that pressure from without, which made the helpless victims of intolerance and persecution alive to the injustice with which they were treated, and ready to claim for themselves and their fellow-men the privileges that were truly their right. As, also, in respect to scientific discoveries, the inductions are not the less valuable and true, that they run, not from the centre outward, but rather tend from the exterior to the interior, so, in

religion, and in the case of our ancestors of Maryland, they are not the less entitled to praise, because their views of duty in this particular, sprang rather from the influence of external circumstances, than from their clear perception of the true nature of toleration, arising from the nature of Christianity itself. It is sufficient that Proprietary and people, in the face of an almost universal intolerance in the sects to which they respectively belonged, were placed by God's good providence in such relations, as made the practice of tolerance essential to their own quiet and the permanence of their social organization; and thus led the way, by the incorporation of the principle in the civil code of the colony, for a manifestation of its advantage and its justice, and for its adoption by more populous and more powerful communities. For, say what we may, a large amount of the noble doing in the world is the result of noble example; and doctrines which might never or but slowly have made themselves felt in society, if left merely to argumentative inculcation, have borrowed a sublime force and an irresistible power, from being embodied in some great act, or presented to the admiration of mankind in a series of marked and heroic efforts.

After passing other laws, besides that concerning religion, appropriate to the wants of the colony, the Assembly of 1649 prepared to adjourn. Before doing so, the members drew up a letter to his Lordship, (April 21st, 1649,) vindicating their past course, explaining their reasons for laying aside the code recently proposed, and praying him to send no more such, as they were only calculated to fill their minds with jealousies and suspicions. Would he but send the heads of such laws as he wished passed, they would use their utmost endeavors to meet his views, but it was significantly intimated that oaths did not sit well upon the consciences of the people, and they desired to perform their duties to him and to one another, "with as little swearing as possible." Forfeitures, it was suggested, would be more likely to keep men faithful, than oaths.

This letter found Lord Baltimore in London, watching the proceedings of those bold regicides, who, after beheading their king, had abolished monarchical institutions, and were now engaged in putting down all opposition, strengthening the foundations of their new government, and forwarding the fortunes of their friends. Lord Baltimore was a man of penetration and foresight; and he could not but see that the eradication of the monarchical principle from the supreme law, might endanger his own authority over the colony of Maryland. His position was evidently one which would require the most cautious and prudent management, to enable him to retain his charter and avoid a one-sided discussion of the principles upon which it was based, and the manner in which the government had been administered.

With the letters of the Assembly, just mentioned, came also an application for permission to settle in Maryland, from a considerable number of persons, residents of Virginia, who, for their stubborn non-conformity and their sympathy with Parliament, had fallen under the ban of Sir William Berkeley, and had been ordered to leave that province.[1] With Lord Baltimore, their religious faith formed no objection to their admission to his colony; and it is quite probable he was not unwilling to adopt a course that would show his superiority to religious prejudices, and establish for himself some claim on the future forbearance of the party in power. These Virginia Independents asked "convenient portions of land, liberty of conscience, and privilege to hold courts within themselves," which Governor Stone had promised to concede, provided they would accept lands upon the existing conditions of plantation, take the usual oath of fidelity, and submit to appeals to the Provincial Court. The only objection made by the Independents, was, to the quantity of land assigned; and his Lordship, in a most accommodating spirit, sent out new conditions of plantation, (July 2d, 1649,) changing the

[1] I had prepared a sketch of the origin and growth of this congregation of non-conformists in Virginia, and the circumstances that induced them to take up their residence in Maryland; but find myself obliged to reserve it for future use and publication.

grant to three thousand acres for every thirty persons, but requiring from each settler, as before, the oath of fidelity, as a condition precedent to taking possession of his land. With this, the Independents professed themselves satisfied; and, under the guidance of Richard Bennett, an old and distinguished resident of Virginia, prepared to leave their former homes. Within the year 1649, the greater part of the congregation, numbering over one hundred, had removed into Maryland. The most of them, selected a place of settlement on the banks of the Severn; and, as Roger Williams had, at the time of his banishment from Massachusetts, formed his little company into a church and declared that the Providence of God had led them to a place among the savages, where they might worship without molestation, a privilege denied them among christian men,—so they, organizing themselves into a church and taking up their abode in a region surrounded by savage tribes, piously recognized that divine PROVIDENCE, which had guided them to a place of refuge, and bestowed on their new home the same name that had been given to the first settlement of Rhode Island. Here, "they sat down joyfully and cheerfully followed their vocations;"—so that it might be appositely said of them and the Proprietary, in the words of Cowper,

> "Ample was the boon
> He gave them, in its distribution fair
> And equal; and he bade them dwell in peace.
> Peace was awhile their care; they plowed and sowed,
> And reaped their plenty without grudge or strife."

His Lordship's new conditions of plantation, intended particularly for these settlers, but addressed also "to all people in general," were received in the province late in October, 1649, and with them came the startling news of the execution of Charles, the downfall of the monarchy, and the establishment of a commonweath. Mr. Thomas Greene, who was then acting as Governor, during the temporary absence of Capt. Stone, regardless of the remonstrances of the Secretary and the opposition of the Council, and in defiance of an

act of Parliament, making it treason to recognize any person as king of England, proclaimed Charles II. the lawful successor of the decapitated monarch. That this act was not unacceptable to a large portion of the inhabitants, is quite probable; yet there was undoubtedly a strong party, and among them the recently arrived settlers at Providence,[1] whose sympathy with Parliament must have rendered such a recognition exceedingly unpalatable.

In January of the following year, Governor Stone, having returned to the province, summoned an Assembly, to discuss his Lordship's letter, received during his absence, and to consider the body of laws, which he had again transmitted, with an expression of his belief, that upon more deliberate and careful examination, the members would be better satisfied with them; and, instead of its being necessary for him to urge their adoption, they would rather entreat him to favor them with his assent.

Of this Assembly, which came together early in April, 1650, Mr. James Cox, one of the two burgesses sent from Providence, was elected Speaker; which shews that their members were men of ability, and that the Parliamentary interest was strong in the House. The number of burgesses in the lower House was thirteeen; of whom eight[2] certainly were Protestants.

The legislation of this session touches upon each of the three points which I have already enumerated, as forming the principal sources of difficulty with which the Proprietary had to contend from the commencement of his colony; and shews that, by his firmness, tact, and perseverance, he had apparently overcome the principal obstacles that had stood in the way of his complete success. The very first act of the Assembly was one, "prohibiting all compliance with Capt. William Claiborne, in opposition to his Lordship's right and dominion." That indefatigable opponent of the Proprietary,

[1] Now Annapolis.

[2] We know this from their signatures as Protestants, affixed during the session to a declaration, testifying that they were unmolested in the exercise of their religion.

encouraged by the changes that had taken place in England, and perhaps by the strength of the Protestants in Maryland, had strongly urged his claim to Kent island, in letters addressed to Governor Stone;—whereupon this Assembly denounced the penalty of death and confiscation of estate upon any person who should countenance Capt. Claiborne in any attempt upon Kent island or any other part of the province. This strong endorsement of the Proprietary's right, in opposition to the claim of Claiborne, seemed to give the former all the assurance he could reasonably ask, upon a subject which had so long been a source of controversy and apprehension.

The next act of the Assembly, was most probably induced by a strong appeal in his Lordship's recent letter, to the justice and loyalty of his people. The body of laws transmitted by him, was taken up and passed, not excepting the Act of Recognition of his *absolute* Lordship and *royal* powers, which had proved the principal objection to the code at the last session. By the passage of this act, another earnest wish of the Proprietary was gratified, in the public recognition of his prerogatives by the legislature of the province; yet it is to be observed that the Burgesses, even while conceding to him the long coveted acknowledgment, cautiously coupled it with a clause, sufficiently restrictive to protect all their rights as English subjects, and allowing a liberal latitude of construction, in case a difference should arise between the Proprietary and them, in regard to the extent and bearing of their respective rights. Thus, the legislators of Maryland, two hundred years ago, even while acknowledging the prerogatives of the Lord Proprietary, shewed themselves watchful guardians of the "liberties of the people."

An oath of fidelity was also prescribed by the Assembly, similar in form to that previously administered; yet differing in one or two points, the more worthy of note, that they made its spirit variant from that of the Act of Recognition, and that the alteration has been ascribed to the influence of the Independents of Providence. It will be remembered that the rejection of his Lordship's code by the Assembly of

1649, was mainly grounded on the terms "absolute," as applied to his proprietorship, and "royal," as applied to his jurisdiction; so that a jealousy on these points existed in the province, before the advent of the Independents. Lord Baltimore combated, in his last letter, the objections made to these terms, and did not see fit to alter or expunge them. Neither did the present Assembly, in passing the Act of Recognition, though they inserted a clause, saving the liberties of the people;—but when they came to the oath of fidelity, they omitted both of the objectionable terms, merely recognizing Lord Baltimore as Lord and Proprietary, and promising to maintain such *just* and *lawful* rights as had been granted by the Charter, "not any ways understood to infringe or prejudice liberty of conscience in matters of religion."

This latter clause is understood to have been added at the suggestion of the Burgesses from Providence; whose constituents had begun to show some dissatisfaction with the terms of the oath, and were especially anxious to guard themselves against a repetition of the persecutions to which they had been exposed in Virginia, on account of their peculiar faith. Unfortunately, with all their experience of the evils of intolerance, and their possible willingness to concede the rights of conscience to the various Protestant sects, these people brought with them the old hatred of Popery, and looked with distrust upon the oath, because it required them to obey a government, that was bound to respect the religious convictions of the Roman Catholics in the province. This, in the eyes of the more zealous, was no better than upholding Antichrist; and, although they at first submitted, yet, as they gained strength and their friends in England consolidated their power, they more openly manifested their repugnance, and finally refused to take the oath, as it had been prescribed. Yet, for the present, all appeared content; new immigrants came from Virginia, and the territory on which they had settled, was erected into a county, and called, after the lady of the Proprietary, Anne Arundel.

Another act of the Protestants of the Assembly and the province, during this session, shows their willingness to aid Lord Baltimore in meeting any objections that might be brought against him in England, on the score of the religious condition of his colony. A declaration was signed (April 17th, 1650,) by Governor Stone, three members of the Council, eight members of the Assembly, and forty-three colonists, stating that by Act of Assembly and injunctions of his Lordship, they enjoyed full freedom in the exercise of their religion, and were in no wise troubled on account of their Protestant opinions. This document, with copies of the laws passed, and a letter from the Assembly, was transmitted to his Lordship, and received by him about July. He at once prepared and despatched to Maryland an answer, (August 6th, 1650,) in which he authorised the acceptance of the oath of fidelity, as modified at the recent session.

And now, to human apprehension, the government of the province appeared firmly established, the rights of the Proprietary fully acknowledged, and all needful precautions taken to secure the peace of the colony, and to sustain him against insidious attacks upon his charter or his use of the powers conferred on him by it;—yet the elements of a storm were gathering, powerful enough to dash him from his proprietary seat, and ultimately to spread discord and confusion through the colony.

His Lordship found himself suddenly assailed from two quarters. On the one hand, Charles II. professing his royal displeasure that Lord Baltimore "did visibly adhere to the rebels in England, and admitted all kinds of sectaries and ill affected persons into his plantation," in effect, so far as was in his power, annulled the charter, and appointed Sir William Davenant, the poet, royal governor of Maryland;[1]—on the

[1] Davenant actually started with an expedition from France, but, with his ship and colonists, was captured by a Parliament cruiser, in the English Channel, and was imprisoned in Cowes Castle. His life was spared, through the intercession of two Aldermen of York, whom he had protected during the civil wars, aided by the friendly efforts of Milton. It is said, that, after the Restoration, Davenant was enabled to repay the debt of gratitude due to the great poet by interceding successfully with the authorities in his behalf.

other, Parliament was becoming awake to the necessity of extending its sway over the colonies; the more particularly as Barbadoes and Virginia had declared Charles II. king, and Maryland, through the wilfulness of her temporary Governor, had followed their example. In October following, therefore, an act was passed, asserting the right of Parliament to control the colonies, and authorising the Council of State to send out a strong fleet to reduce the rebellious plantations, as they were called, to obedience.

These proceedings not only caused Lord Baltimore great anxiety in England, but produced most unfavorable effects in his colony, as Rumor, with her usual exaggeration, represented there that his charter had been taken from him or voluntarily relinquished. The minds of the people were thus unsettled; and those especially who favored the cause of Parliament, began to look with jealousy on the existing government and to doubt its right to control them. The people of Anne Arundel went so far as to decline sending Burgesses to an Assembly called by Governor Stone for March, 1651; and Governor Berkeley, of Virginia, prepared to occupy Palmer's island, formerly Claiborne's advanced trading post, but for many years recognized as belonging to Maryland.

Preparations for the reduction of Barbadoes and Virginia, went meanwhile steadily forward in England. By the middle of May, Sir George Ayscough,[1] with a strong fleet, was ready to sail against the former, but the expedition against the latter was still a subject of discussion in the Council of State. Lord Baltimore now experienced the evil consequences he had apprehended from the ill-timed recognition of Charles II. by Governor Greene; and found it necessary to bring all the influence of which he was master, to bear, to prevent the insertion of the name of his province with that of Virginia, in the instructions about to be issued for the guidance of those appointed to conduct the contemplated expedition. For this purpose, he went before the committee, showed that Governor Stone was a Protestant and a Parliamentarian, disowned Greene's act of recognition of Charles,

[1] By some writers spelt, Ayscue.

proved by the testimony of the Protestants themselves that they enjoyed their religious rights undisturbed, appealed to the recently enacted laws for evidence that the principle of toleration was publicly recognized in Maryland, claimed the credit of having given the Independents an asylum, when driven from Virginia, and substantiated his assertion that Maryland neither was nor had been in opposition to Parliament, by the testimony of several Protestant merchants, who were engaged in trade with the colony and well acquainted with its condition. His efforts were successful; and, he had finally the satisfaction of obtaining a decision from the committee that Maryland ought not to be disturbed, and of seeing the name of his province erased from the instructions.

This was indeed an anxious period for Lord Baltimore. On the north of England, Charles, with his faithful Scots, maintained a desperate struggle against Cromwell; and from what had already transpired, the Proprietary had reason to believe that the success of the royal cause would be the signal for his own ruin, or at least for the abrogation of his charter; while, in the action of Parliament and the discussions before the Committee, he was made aware that strong religious and political, if not personal prejudices, were working against him. To crown his trials, came letters from Governor Stone, apprising him of the reports in circulation in Maryland, the growing disaffection of a portion of the people, and the spirit of aggression manifested by Virginia. To this he replied, (Aug. 20th, 1651,) mildly rebuking the contumacy of the people of Anne Arundel, and advising the passage of a law for the punishment of persons, convicted of spreading false reports, "tending to the disturbance of the minds of the people and of the public peace."

Two days after the signing of this letter, (Aug. 22nd,) Charles, as his ill-fated father had done just nine years before at Nottingham, raised his standard at Worcester, where he had arrived at the head of sixteen thousand men, principally Scotch; and within a fortnight, Cromwell, pressing upon him with a superior force, overwhelmed and scattered his army, extinguished the last hopes of the royalists, and com-

pelled their master, in mean disguises and with extreme risks, to flee from the kingdom. The result of this battle fixed the expatriation of Charles for weary years, and in fact placed Cromwell in the chair of State. On the ninth day after the battle, "my Lord General," soon to become "my Lord Protector," attended by an obsequious delegation from Parliament, entered London amid the shouts of an admiring multitude, with a port in which conscious power so predominated, that even Hugh Peters, the stern republican, could not but whisper to himself, "this man will yet be king of England."

A fortnight after Cromwell's triumphant entry into London, (Sept. 26th, 1651,) the fleet destined for the reduction of Virginia, was ready for departure. The military force consisted of seven hundred and fifty men, embarked on board the ship John and the Guinea frigate, the former commanded by Capt. Robert Denis, the latter, by Capt. Edmund Curtis. There were also on board, one hundred and fifty Scotch prisoners, taken in the recent battle of Worcester, and sent over to be sold as servants. The chief command of the expedition was given to Capt. Denis, and with him were named as Commissioners, Capt. Thomas Stagg, then in England, and Richard Bennett and Capt. William Claiborne, residents of Virginia. Lord Baltimore had doubtless laid aside all apprehension in regard to Maryland, after twice obtaining the erasure of its name from the order for the expedition; but if he was made aware who were nominated as Commissioners from Virginia, or of the form which the instructions finally assumed, he could not have seen the departure of the fleet, without some anxiety.

The instructions direct any two or more of the Commissioners, to use their best endeavors *for the reduction of all the plantations within the Bay of Chesopiack* to a due obedience to Parliament; to see the acts against kingship and a House of Lords, for abolishing the book of Common Prayer, and for subscribing the engagement, to be received and published; to administer to the people an oath to be true to the Commonwealth of England; and to cause all writs and processes

to be issued in the name of the Keepers of the Liberty of England. In case of the death or absence of Capt. Denis, Capt. Curtis was empowered to act in his stead, and to take command of the expedition.

On the voyage out, the frigate John, in which were Captains Denis and Stagg, was lost, and with them, the original commission; but Capt. Curtis had been provided with a copy, and on him devolved the command. Weakened by the loss of the principal ship and her commander, and with sickness prevailing on board, Capt. Curtis touched at Barbadoes, where he found Sir George Ayscough held in check by the resolute inhabitants. The reduction of the island had proved a more difficult undertaking than had been anticipated, for, though settled but a few years before Maryland and under a similar charter, it had vastly outstripped the latter in increase of population and wealth, and had mustered a truly formidable body to repel the invasion. The show of additional force presented by the arrival of the Virginia expedition, enabled Sir George to push his attack and compel the Barbadians to surrender.[1] After a stay of seven days, Capt. Curtis sailed for Virginia, and arrived before James City early in March, 1652.

Governor Berkeley had made preparations for resistance, but, finding the means of defence at his command insufficient to withstand even the small force that appeared against him, concluded with the Commissioners an arrangement, (March

[1] In a letter in the State Paper Office in London, dated Feb. 16th, 1651-2, from Col. (afterwards Sir Thomas) Modiford, of the island of Barbadoes, to Bradshaw, then President of the Council of State, the following suggestions occur, which show that the spirit which roused the colonies to armed resistance to British tyranny in 1776, was alive and active in the West India Islands a century and a quarter before. "The great difficulty is, how we shall have a representative with you in your government and our parliament. To demand to have Burgesses with yours to sit and vote in matters concerning England, may seem immoderate;—but, to desire that two representatives be chosen by this island to advise and consent to matters that concern this place, I presume may be both just and necessary; for, if laws be imposed upon us without our personal or implied consent, we cannot be accounted better than slaves, which, as all Englishmen abhorre to see, so I am confident you detest to have them. This is so clear, that I shall not need to enforce it with argument."

12th, 1652,) by which the most liberal terms were conceded to Governor, Council, Assembly, and people.

Having accomplished the reduction of Virginia, the Commissioners proceeded to discharge the additional duty imposed on them by the clause in their instructions, which directed them to reduce "*all* the plantations within the Bay." It has been the custom for most writers upon our early history, to father upon Claiborne all sins of opposition to Lord Baltimore, committed in the colony or elsewhere at this period; and accordingly, the change in the form of the instructions, by which Maryland was virtually included, and all the proceedings consequent upon them, have been attributed to his personal interference and his hostility to Lord Baltimore. But the fact is, neither he nor Bennett appear to have had any cognizance of the proceedings in England, preparatory to the expedition; nor is it certain that they were even aware of their appointment as Commissioners, until the arrival of Capt. Curtis, with whom they acted. Captains Denis and Stagg had been present at the debates of the Committee, and were aware that, at Lord Baltimore's remonstrance, the name of Maryland had been stricken out; but they had been lost on the voyage, and the remaining Commissioners had only the letter of the instructions for their guidance. By whom the phrase "*all* the plantations within the Chesapeake Bay," was inserted, is not known. It was certainly sufficient to justify the Commissioners in requiring the formal submission of the inhabitants of Maryland. There is no evidence that Claiborne had any agency in the matter, beyond that of simple obedience to the commands of that power, which was then recognized as supreme in England.

On the arrival of the frigate at St. Mary's, negotiations were opened with Governor Stone. The commissioners declared that they asked only a compliance with the requisitions of Parliament, as expressed in their instructions; and proposed that Lord Baltimore's officers "should retain their places, conforming to the laws of the commonwealth in point of government only, and without any infringement of his Lordship's just rights." Governor Stone and Council de-

clared themselves willing to recognize Parliament as the supreme power and to take the engagement; but declined to issue writs in the name of the Keepers of the Liberty of England, on the ground that they had been assured the Council of State did not intend to deprive Lord Baltimore of his proprietary rights or to make any changes in his province; and furthermore represented, that, as the king's name had never been used in writs in Maryland, but only the Lord Proprietary's, there could be no reason for enforcing that clause in his colony, which was applicable only in England or Virginia. But the Commissioners, on their part, professed to have no power to vary from the terms of their instructions, and gave the authorities further time to deliberate. They persisted in their refusal. A proclamation was thereupon issued, appointing a Council of Government to supersede Governor Stone and administer the engagement to the people, and requiring that Lord Baltimore's commissions should be surrendered, and the records of the province placed in the hands of the new Council.

The 29th of March, 1652, is known in English annals as "*black Monday;*" a day remarkable for a total solar eclipse, the deep darkness of which made many a strong heart quake with apprehension, and led many enthusiastic spirits, who had been brought by the great political and religious changes going on around them to look for a sign from Heaven to believe that the end of the world had come. If Lord Baltimore was a believer in omens, he might have felt that so solemn an obscuration at mid-day was not without its portents for him; for on that day the instrument was signed, which deposed the officers appointed by him in Maryland, and virtually severed him from all connection with the administration of affairs in his province. It is true, the Commissioners professed to establish the new government only "until further order could be taken therein, and until the Council of State's further pleasure could be known;"—but, as affairs then stood in England, it was probable that the action of the Commissioners would be sustained; and that only by means of protracted controversy

and earnest efforts, could he hope to obtain a reversal of their decision and a recognition of his proprietary rights. This, in the sequel, proved to be the fact.

Having thus established in the colony the power of Parliament instead of that of the Proprietary, the Commissioners departed from St. Mary's. Capt. Curtis, in the Guinea frigate, returned to England, bearing to the Council of State a report of the manner in which he and his coadjutors had effected the reduction of the plantations within the Chesapeake Bay, and to Lord Baltimore information of the unfavorable position in which their action in Maryland had placed him and his officers;—while Bennett and Claiborne repaired to James City, to meet an Assembly before summoned by them; by which body, on the 26th of April,[1] the former was elected Governor, and the latter, Secretary of State of that colony, "with all the just powers and authorities belonging to those places respectively."

Here, close we for the present our view of Maryland, "two hundred years ago." We leave Cecilius, Lord Baltimore, after all his sacrifices and efforts, deprived of authority over his province, and placed in the position of a suppliant to the supreme authorities in England, for the preservation of his charter and the restoration of his proprietary powers; while, by one of those vicissitudes so often occurring in social and political revolutions, William Claiborne, his rival claimant for the honor of the first settlement of the soil of Maryland, charged by the Council of State with an official trust of high responsibility, and raised to the second post in the government of Virginia, holds the control of the province from which he had been driven by violence, and the legislature of which, fourteen years before, had branded him as constructively a pirate and a murderer, attainted his name, and confiscated his estate. The government is in the hands of persons, selected by the Commissioners for their devotion to Parliament, and pledged to make their administration conform to the laws

[1] Corresponding to the 6th of May, New Style.

established in England; the effect of which, (since the laws adopted by Parliament still deny to Roman Catholics liberty of conscience,) is, to suspend for the time the tolerant enactments of the province,[1] at least so far as the members of that sect are concerned; the population, scattered and weak, and occupying principally St. Mary's, Patuxent, Providence, and Kent, generally submit without hesitation; yet germs of discontent exist, which, if not checked, may before long develope themselves in controversy and violence. The narrative of varied and stirring incident belonging to the subsequent period, and which resulted in the restoration of the province to its rightful owner, must be left for another occasion.

A few words more, and I have done. After the lapse of just two centuries, we, the inhabitants of the city bearing the name of the actual founder of our State, citizens of that Maryland, the growth and condition of which, in those long lapsed periods, we have been endeavoring to scrutinize, stand up and question that dim and distant Past, and compare its response with that of the many-voiced Present, that we may anticipate our now unknown Future. "CRESCITE ET MULTIPLICAMINI," was and is the motto of our social and political organization; and in our history for two centuries it has been well obeyed. Two hundred years ago, the population of Maryland numbered less than five thousand souls,—now, we can count more than five hundred thousand;—then, spread over four thinly settled and indefinitely extended counties,—now, covering the ample territory of the state;—then, exposed to the inroads of the savage and disturbed by civil dissensions,—now, secure from any outward attack and bound together by common interests and a common heritage

[1] It is true, that the Governor and Council, even after the province was restored to Lord Baltimore, issued orders, July 23d, 1659, directing Justices of the Peace to seize any Quakers that might come into their districts, and to whip them from constable to constable, until they should reach the bounds of the province. This severe treatment, however, was not on account of the religious opinions advanced by the Quakers, but because they were wanting in the respect considered due to the civil magistrates, and, by their own refusal to take the oath of submission to the re-instated authorities, required of all the inhabitants, were regarded as setting an evil and rebellious example to the factious and ill-disposed among the people.

of civil and religious right;—then, scattered and disjoined by the remoteness of settlements and the difficulty of tracing one's way through the pathless and Indian-haunted forest,—now, compacted with populous cities, thriving towns, and growing villages, and united by those iron bands which form one of the inventive wonders as well as one of the grand commercial and industrial features of the age;—then, a feeble, isolated community, struggling with internal difficulties and with the rivalry of an adjacent colony;—now, in the heart of a mighty republic, itself a sovereign state, surrounded by states, powerful and sympathizing, and linked to all the confederated states of our glorious Union by a common tie. How can her children look back, and not bless the philanthropy, wisdom, and energy of her founder; honor the sturdy spirit of those ancestors, who, by their firm adherence to their liberties as English subjects, paved the way for a recognition of their broader rights as American freemen; and magnify the goodness of that Divine Providence, which, from the small seed planted on this Atlantic coast, two hundred years ago, has raised a tree of liberty, whose branches extend from the rivers to the sea, and whose leaves shall yet be for the healing of the nations!

Let us, then, not only as citizens of Maryland, but as members of this great Union, accept as oracular periods and bind upon our hearts, these words of warning and advice, addressed by Cecilius Calvert to his people, during the colonial difficulties I have attempted to describe. "We now hope," are his impressive words, "that the inhabitants there will unite themselves in Affection and Fidellity; and avoide all factions and divisions among themselves, as also such cavilling Persons and Councells as shall, under what specious pretence soever, excite or tend to the Division of the people and their unanimous and cheerful obedience to the Civill Government there established: That, as we are all members of one Body-Politique, we may have also one minde in all Civill and Temporall matters concerning that place;—which is the most hopefull way of drawing down God's blessing upon our Endeavors, who loveth Unity, and therefore commandeth us

to love one another. Christian Religion directeth us soe to doe, for the accomplishment of eternall happiness; and human Policy also adviseth it;—it being a most certaine and true Maxime, which tells us, 'CONCORDIA, res parvæ crescunt, DISCORDIA maximæ dilabuntur:' By UNION, a small collony may growe into a great and renouned nation; whereas, by experience it is found, that by discord and DISUNION, great and glorious kingdoms and commonwealths decline and come to nothing."

With the lesson from the Past, which has been read to us, impressed upon our minds,—with these words from our honored Founder sounding in our ears,—with the teeming and hopeful Present under our feet, and the immeasurable Future opening before us,—who of us will hesitate to say, in all sincerity and with solemn earnestness,—"GOD SAVE THE COMMONWEALTH OF MARYLAND!"—"GOD PRESERVE THE UNION OF THESE AMERICAN UNITED STATES!"

APPENDIX No. I.

The full title of the tract, alluded to in the note, is as follows: "*The Answer to Tom Tell-Troth, the Practice of Princes, and the Lamentations of the Kirke: Written by The Lord Baltimore, late Secretary of State.—London, printed* 1642." The following selections are made to show the tone of the author's mind on political as well as religious subjects. It must have been presented to the king about the year 1631; and it is possible that the loyalty displayed by Lord Baltimore in it, and his zeal to rebuke the king's opponents, religious as well as civil, may have inclined Charles to look favorably on his application for the charter of Maryland, which was granted soon after.

He begins with the following humble address to the king:

"Most Gracious Prince,

"I know well what Reverence subjects owe to their Sovereigne, and am not ignorant of the puissance and majesty of a king of Great Brittaine; believe, I should not presume to write to so great a Monarch, if the Loyalty of a subject, the honour of your vertues and some particular obligations of my own, did not command me to neglect all other respects, and prefer your safety, honour, and *bonum publicum*, before any dangers or blame, I foresee [1] may incurre, and the rather because I speake in your owne eare only, without publishing or imparting to others, that which I delivered to your Majesty."—p. 1.

"I have seene divers discourses out of England of the necessity to maintaine the ancient authority of Parliaments, how to assure Religion from oppression and alteration, and how to reforme the government both in church and commonwealth,—audacious arguments, and as insolently handled.—p. 2.

"I meane not to trouble your Highnesse with pedlor's stuffe, and so stale wares as *Vox Populi* and *Votiva Angliæ;* but to inform you of some books (amongst many others) *T. T. Troth, The Practice of Princes,* and *the Lamentation of the Kirke;* which are the works of such *Boutefeus,* as are able to set the whole State on fire, imbroyle the Realme and aliene the hearts of the people from their Prince; for these Maskers, under the Vi-

zards of Religion, seeke to undermine Loyalty, and either to engage you abroad in forraigne wars, or indanger your person at home in Civill; And yet I write not to confute these learned scriblers (more worthy to be contemned then answered) but to advertise your Highnesse of them, that by an *obsta principiis*, you may upon such smoake prepare all things needfull to quench such a fire, when it shall flame, and first breake out, which it may doe when you least looke for it; For by nature these spirits are fiery hot spurs, and fitter for any thing, then that they most professe, Piety and Patience."—p. 3.

"And that they may plainely appeare in their own likenesse, your Highnesse may be pleased to mark and consider how sawcily and presumptously they contemne Monarches, scorne and disgrace them."—p. 3.

"And, which argueth a spirit of frenzy, he (Tom Tell-Troth) spareth no King;—for, of King James himself he delivereth such a character, as is both disloyall and most intollerable. And first, touching his maintenance of Religion, he taxeth him most scandalously, that he is only head of the church *dormant*, there are so many corruptions in it; that he hath more pulled downe the church with his proceedings than raised it up by his writings; and whereas he calleth himselfe 'defender of the Faith,' his faithful subjects, saith he, have just cause to question it; for the Papists were never better defended, as appeareth by the king's private instructions to judges and prohibition of Pursevants."—p. 4.

"But above all other scandalous defamations, the description they make of a Protestant King, is most transcendent and traiterous. Let him, (saith he) excell in mischiefe, let him act Nero, Phalaris, &c. he shall not need to feare, nor weare a private coate, for he may have Lords temporall for his Eunuches, spiritual for his mutes, and whom he will for his Incubus and kisse his minions without shame."

"Behold a Calvinist *in puris naturalibus*;—perfectly factious and under the cloake of zeale, *carnifex regum*. Peruse Mariana and all the works of the Jesuites, look as curiously into their acts as they were examined at Paris, and you shall not find such paradoxes of mischiefe and such prophane calumniations of Princes which may parallel and match these, yet I can overmatch or equall them; for they murmure as much at your Majesty's own proceedings, neither doth your Monarchie or mild temper exempt you from their tongue-shot, and the poison of asps in their lips." pp. 6—7.

"Thus, they currishly barke against Kings and Councells, and spit upon the Crown like Friends of Democracies, of confusion and irregularitie,"—"They intend, first, to reforme the State, and to suppresse Episcopall jurisdiction, and casheere so many places of Baronies in the Upper House; and yet those men pretend to be friends and patrons of Parliaments and order."—p. 9.

"And surely the Bishops were blinded, if they should expect any favor of good allowance, if God should so punish this realm, that your Majesty

should die without Issue, (which God forbid,) for the successor these men desire will deale with them, as he did with the Lutherans at Prague."—p. 10.[1]

"We are not now troubled so much with mar-Prelats as with mar-Kings (which is an accident unseparable from Calvanisme) which never got sure footing in any country, but desolation followed. Your Majestie may be pleased to call to mynd, and set before your eyes, how miserably your Grandfather was made away of the disciples of Knox, and how your Grandmother, who had as good right and footing in Scotland, as you have in England, was deposed by the same spirits. Remember also in what danger King Francis the second of France did stand by the conspiracie of Amboys, and his brother Charles at Meaux by those Calvinists, *Præcones turbarum.*"—pp. 14, 15.

"I will conclude all with the reasons of these calamities and tempests raised by the Consistorians, which Sebastian Castalio giveth, *l. de prædestinat.* (a man once nearly allyed to Calvin in divers opinions,) who maketh a difference between the true God and the God of Calvin. He teacheth us that Calvin's God ingendereth children without mercie, proud, insolent, and bloudie, and that it cannot be otherwise he sheweth causes. For, that Calvin's God is the Author of Sinne, (not by permission only, but *efficaciter,*) and he predestinated the greatest part of the world not only to damnation,—but also to the cause of damnation, and suggesteth to men wicked affections: Wherefore if it be true that of *malus corvus, malum corvum,*—of evill causes, evill effects, of an evill spirit, will evill motions proceed. I cannot marvayle of the tumults of Bohemia, of the many battayles and rebellions in France, and the horrible treasons in Scotland, and I may well doubt that the like, (which hath been in other places,) may fall out in England, knowing by whose doctrines they were all guided and bred, by what furies they were inspired, and what God they served and adored, who was the Author of Sinne, the badge of Calvinisme."—p. 16.

The author goes on to prove, by a long and labored argument, that Ferdinand was legally elected king of Bohemia, while the choice of the Elector Palatine was irregular and rebellious; and on this plea dissuades the king from following the warlike counsels of the Calvinistic party; since "no war can be justifiable but that which is begun upon just and urgent occasions, wherein justice, prudence, honor, and safety shall bear the standard of England."

The freedom with which Lord Baltimore alluded, even in addressing the king, to the oppressed condition of the Catholics in England, is shewn in the following home-thrust which he gives his opponents:

"But to make a closer fight, the argument which the Palatine useth for the defence of the Bohemians, will appeare in the right shape of vani-

[1] The successor alluded to was the Elector Palatine and titular King of Bohemia, a zealous Protestant, who married Elizabeth, the daughter of James.

tie, if I may weigh it with English weights, and change the name; and if I may (to make the Judges the better to apprehend,) thus brieflie draw it into forme.

"The poore afflicted Catholiques of England have their grievances dayly multiplied, their estates spoiled, their persons disgraced, &c. Therefore, being driven to such extremities, they may justlie and lawfullie take armes in defence of their Religion and Libertie;—how will the Judges like this reason? Surelie, preferr me to Newgate worthilie: and yet this is the substance of their Argument. The antecedent of this Argument is comprehended in these words:—'*Aucta in immensum Religionis gravamina.*' Now, if this reason be good to move compassion to the Bohemians, so it may for the English. If you object, that the Lawes of England punish Catholiques, and abolish the exercise of their Religion; so likewise doth the Law of the Empire of Bohemia condemne the Calvinists. If you say, for the peace of the Realme, the King cannot tolerate Catholiques, experience sheweth the like for the Calvinists, whom the empire accuseth of heresie, schisme, and innovation, which last, cannot justlie be imputed to the Catholiques."

"And, touching the consequent, it is the Palatine's own conclusion, viz: *Quis miratur, si quid in desperatis morbis fieri solet, ad extrema quoque remedia descenderant?* So, if the Catholiques should follow the Palsgrave's opinion and advice *in desperatis morbis*, that is, in violent persecution, they may lawfully take Armes, and defend themselves;—but they are otherwise Catechized, and better instructed in the school of true patience and humilitie, and practise, doctrine and conscience to draw in the Yoake of our Saviour."—p. 41–43.

In conclusion, after strongly urging the king to seek an alliance with Spain rather than unite with Holland, Lord Baltimore supplicates his majesty to read and ponder his communication, and to believe that nothing moves him to write, but his own fidelity, and the love of some of the king's servants, that pray for his happiness; "protesting," says he, "and taking God to witnesse that I write by no instruction of foreigners, nor for no pension nor obligation to any foreigne Prince whatsoever."

It seems not improper to mention here a remarkable passage in a letter written by Lord Baltimore to his friend Strafford, August 12th, 1630, referred to by Anderson, in his History of the Colonial Church, vol. 2. p. 115. With a view, as it would appear, of showing the affection entertained by Roman Catholics for the family of Charles, Lord Baltimore describes the manifestations of joy in the Court of Spain, on hearing that Queen Henrietta Maria had given birth to the Prince of Wales. He says, "the King, Queen and all the Court in bravery, not so much as the young infant of so many months old but had his feather in his cap; and all the town full of masks and musick. And not only the Temporal State, but the Spiritual express their gladness: The Heads of the clergy and all the Religious Houses in the city came to the ambassador in the

name of their Bodies, to congratulate with him the birth of the Prince, and solemn Masses and Prayers were said for his health and prosperity every where. Thus your Lordship sees that we Papists want not charity to you Protestants, whatsoever the less understanding part of the world thinks of us." *Strafford's Letters*, I. 53.

Anderson remarks upon this extract, that, think what we may of the sincerity of the writer, who lays stress upon such proofs of charity, he leaves entirely out of sight the fact that Queen Henrietta was of the same communion with those who expressed so much joy;—and that it might justly be regarded, not as a proof of charity or tolerant feelings towards Protestants, but rather of exultation in the prospect that a Roman Catholic Prince might again be seated on the throne of England.

Such, certainly, may have been the real grounds of the proceedings at Madrid; but it seems hardly possible that Lord Baltimore would have represented the subject as he did, to a man so penetrating and acute as Wentworth, unless he had entertained, personally, some convictions of that nature.

APPENDIX No. II.

The expression "*sacrosancta Dei et vera Christiana Religio*" in our Latin Charter, is rendered in the English translation, "God's holy and true Christian religion;"—but a critical examination of the terms used and of the context, will shew that such a rendering is incorrect.

The whole passage reads as follows: "Proviso semper quod nulla fiat Interpretatio per quam Sacrosancta Dei et vera Christiana Religio aut Ligeantia Nobis Haeredibus et successoribus nostris debita immutatione prejudicio vel Dispendio in aliquo patiantur."

If "*religio*" and "*ligeantia*" are the only nominatives, the verb, according to the usual Latin construction, (from which there are, it is true, occasional exceptions,) should be in the singular number; since they are disjunctively connected by "*aut*." We are therefore led to look for another nominative case; and a moment's examination shews us that the word *Dei*, if the old translation is correct, is entirely out of place; but by making "*sacrosancta*" a neuter adjective, governing the genitive "*Dei*," we have at once a solution of the difficulty, and an expression which, by its connection with the words "*vera Christiana religio*," affords a sufficient reason for using "*patiantur*" in the plural number.

The true meaning and scope of these words have been the subject of much discussion. One view of them is, that they are but a repetition, with a slight modification, of a form of expression usual in charters of that and even an earlier period, and intended to secure conformity to the established church —another, that they were designedly introduced by

the first Lord Baltimore into the charter, as the basis of a broad toleration, which was to include the long persecuted Roman Catholics, and which was acted upon by his son Cecilius, the founder of the colony.

There may be some truth in both these opinions. If, as Chalmers asserts, the Charter of Maryland is a literal copy of that of Avalon, the construction to be put upon its provisions, especially in regard to religion, must depend upon the faith of Lord Baltimore at that period. If he was then a Protestant, as is generally asserted, the charter would be drawn in terms manifesting full confidence in the grantee, as a member of the established church. If he was a Catholic, we might expect to find some indications of the fact, in cautionary expressions in the charter, unless his adherence to the Church of Rome was unavowed, or if known to the king, was winked at by him, in consideration of the faithful services of the Secretary, and in view of the negotiations then going on with the Catholic Court of Spain.

If the charter of Maryland had been drawn by Lord Baltimore himself, at the time when the grant was decided on, we could look to it with confidence, as the exponent of the principles, civil and religious, on which he intended to lay the foundations of that colony. This is asserted by several writers, but I doubt the correctness of the assertion. In the first place, it is by no means probable that Lord Baltimore would be suffered to dictate to the king and commissioners of plantations the terms on which he would accept the grant;—and in the second place, we know that certain fundamental principles had been recognized in regard to colonization, which entered into the composition of all the charters granted, from the time of the first Virginia emigration to the latest colonial settlement. On examination and comparison, it will be found that the principal provisions of the charter of Maryland, and some upon which much stress has been laid, as constituting it a peculiarly liberal instrument, correspond to those of the old Virginia and even earlier charters, with such modifications merely as serve to adapt that of Maryland to a palatinate instead of a royal jurisdiction. These grants were made years before even that of Avalon; so that the first Lord Baltimore has received more laudation for tact in drawing the Maryland charter, than he really deserves.

The opening clause of the Maryland charter announces the aim of the grantee to be, the spread of the christian religion and the enlargement of the empire. This is the established formula in the earliest grants, and only expresses a fact, that there was at that period a wide-spread and earnest zeal to convert the heathen in America, as well as to appropriate its fertile soil. The name of Avalon, which Lord Baltimore gave his first province, from the place where Christianity was said to have been first planted in England, may indicate that with his hopes of personal emolument, the pious design of christianizing the native occupants of the soil was uppermost in his mind. It gives no ground, however, for the assertion that his aims in either of his colonies were merely or mainly religious, or for any inference in regard to the faith of Proprietary or people.

The next clause in the charter that touches upon religion, gives the patentee the patronages and advowsons of all churches, that with the increasing worship and religion of Christ may happen to be built, with license for erecting churches, chapels, and places of worship, and causing the same to be dedicated according to the ecclesiastical laws of England. Had Lord Baltimore been a member of the established church, there would have been nothing strange in this provision;—but both he and Charles must have known, at the time of its insertion, that his connection with the church of Rome, would render it difficult to comply strictly with the obligation it implied. Perhaps it may be said, that by *causing* churches to be consecrated according to the ecclesiastical laws of England, he might comply with his charter obligations, and at the same time, shift from his own shoulders the responsibility to the head of his church, which a personal compliance with the article would entail.

Finally, we have the expression quoted at the commencement of these remarks; the origin and precise meaning of which, are questions of some interest.

On looking over the old charters, granted for purposes of discovery and colonization, I find, as early as 1584, in Letters Patent granted by Queen Elizabeth to Sir Walter Ralegh, the following clause. "So always as said statutes, lawes, and ordinances may be, as neere as conveniently may be, agreeable to the lawes, statutes, government, or pollicie of England, and also, so as they be not against the true christian faith, nowe professed in the church of England, nor in any wise to withdraw any of the people of those lands from the allegiance of us, our heires," &c.

The Virginia charter of 1606, requires that "the true word and service of God and christian faith" be preached in the colony and among the savages, "according to the doctrine, rights (rites) and religion now professed and established within our realm of England;" and that "care be taken to hold the people in their allegiance to the king, as their immediate sovereign under God."

The charter of 1609 declares the principal effect anticipated from the colonization movement to be, the conversion of the people of those parts "to the true worship of God and christian religion;" and significantly adds, "in which respect, we should be loth that any person should be permitted to pass, that we suspected to affect the superstitions of the church of Rome;" and enjoins that no person be allowed to enter the colony without taking the oath of supremacy;—a regulation in effect equivalent to a positive exclusion of the Roman Catholics, since they could not, with the concurrence of their spiritual guides, take that oath.

The Orders of the Virginia company, issued in 1619 and 1620, require the council "to hold the people there in the true religion and service of God; and in assured allegeance to his Majestie and the Crowne of England."

A similar restriction to that in the Virginia charter, in regard to Roman Catholics, is inserted in a charter of New England, granted to Sir Ferdinando Gorges and others, Nov. 3d, 1621.

The charter of New Albion to Sir Edmund Plowden, granted June 21st, 1634, is almost a literal copy of that of Maryland, and the parallel clause in it, as there translated, guards "the *word* of God and true christain religion or the allegeance due to us, our heirs, &c. from diminution, prejudice or injury."

The charter of the Province of Maine to Sir Ferdinando Gorges, granted April 3d, 1639, forbids any interpretation whereby "God's word, true christian religion now taught, proposed and maintained, &c. may suffer prejudice or diminution."

These examples are sufficient to shew that every charter contained a clause or clauses relative to the obligations or rights of the grantee in regard to religion; and that there is a remarkable similarity among them all. The expression "sacrosancta Dei et vera Christiana religio," which I translate "the holy service of God and true christian religion," seems equivalent to those quoted in the Virginia and other charters, of which, unfortunately, we have not the Latin versions, to test the closeness and accuracy of their rendering. My translation, if correct, closely resembles the clause in the order of the Virginia Company, except that the terms are transposed. The expressions in the charters of Maine and New Albion are the same as in ours, excepting that what I render "*holy service,*" they render "*word.*" Whether *sacrosaneta* is the equivalent term in each, I cannot say; as I am unable to refer to Latin copies of those charters. The phrase, however, in our charter, is coupled with the clause relating to allegiance in such a manner as to render it somewhat doubtful which of the words, "change, prejudice, or diminution" is to be applied to the former subject, and which to the latter. I presume the original intent of the clause was, to guard against any "change" in the rites or ceremonial forms and doctrines of the established church, and any "prejudice, or diminution" of the royal prerogatives.

Still, it is by no means improbable that the expression in the Maryland charter was designedly shorn of the restrictive terms, "according to the doctrines, &c. of the church of England," used in the Virginia charter of 1606, and of the intolerant prohibition relative to Roman Catholics which disfigured that of 1609;—leaving the clause in a form so conveniently indefinite, that the "holy service of God and the true christian religion," might be construed to mean, either that professed by the Protestant, or that maintained by the Roman Catholic division of the church.

This view is strengthened by the fact, that, though the charter of New Albion, given to Sir Edmund Plowden, June 21st, 1634, just two years after the Maryland charter, contains the same unrestricted clause, yet the New England charter, granted to Gorges before that of Maryland, contains a clause carefully excluding all Roman Catholics, while that of Maine to Gorges in 1639, guards "God's word, true christian religion *now taught, professed, and maintained,* the fundamental laws of the realm, and allegiance," against prejudice and diminution.

So far as Charles is concerned, if this view be correct, his tolerance, in allowing such a modification of the usual formula, would amount to a qualified concession to the professors of the same faith with the grantee; a measure by no means surprising at a period when the favor shewn to Roman Catholics was as marked, as the burthens laid upon the Puritans were oppressive. As to the first Lord Baltimore,—his death before the charter was even formally issued, leaves us to infer his principles of action and his objects, mainly from his faith, his known political views, and the tenor of his published writings; neither of which would lead us to anticipate a tolerant regard of those sectarians at least, (the Calvinists,) whose presence in any state, he declared to be a sure precursor of its destruction.

I must acknowledge my obligations to my friend Brantz Mayer, Esq. for drawing my attention to the erroneous translation of the clause upon which I have commented, though we do not precisely agree as to its force and import. That the reader may have an opportunity of comparing our views, I give, in addition to my own, his rendering and his reasons for adopting it.

Our grounds for rejecting the old translation are nearly the same; but Mr. Mayer renders the expression, "*sacrosancta Dei et vera Christiana religio,*" "God's holy RIGHTS and the true Christian religion." His reasons for this rendering are as follows:

"The word *Sacrosanctus*, always conveys the idea of a *consecrated inviolability, in consequence of inherent rights and privileges.* In a dictionary, *contemporary with the charter,* I find the following definition,—*in verbo, Sacrosanctus.*

"'Sacrosanctus: Apud Ciceronem dicebatur id quod interposito jurejurando sanctum, et institutum erat; idem etiam significat ac sanctus, *santo. Tribunus plebis dicebatur sacrosanctus, quia eum nefas erat attingere; longe diviniori ratione, Catholici appellamus ecclesiam Romanam sacrosanctam.* Calpinus Parvus;—seu Dictionarium Cæsaris Calderini Mirani: *Venetiis,* 1618.'

"Cicero, *in Catil:* 2. 8.—uses the phrase—'Possessiones sacrosanctæ,' in this sense; and so does Livy in the epithet,—'Sacrosancta potestas,' as applied to the Tribuneship; and, in the sentence,—'ut plebi sui magistratus essent sacrosancti.'

"From the last sentence, in the definition given in the Venetian Dictionary of 1618, which I have cited in italics, it will be seen that the epithet had a peculiarly Catholic signification *in its appropriation* by the Roman Church."

I differ from Mr. Mayer in regard to the idea conveyed by the term *sacrosancta;* and believe that, so far as it conveys the idea of consecrated inviolability, it arises, not necessarily from any thing *inherent* in the subject to which it is applied, but rather from the act of consecration itself. It is not applied to God, his attributes, or what is inherently sacred, but rather to objects or subjects which, by some solemn ceremonial, or as Cicero says, "*interposito jurejurando,*" have been rendered sacred.

Cicero himself, (pro Corn. Balb.) denies "*quicquam sacrosanctum esse, nisi quod populus plebsve sanxisset.*" On this view, I should reverse the definition quoted above, and say, "*Nefas erat tribunum attingere, quia erat sacrosanctus.*"

The sentence in Cicero, in which the expression, "possessiones sacrosanctas" occurs, is as follows: "Ergo, in vastatione omnium, tuas possessiones *sacrosanctas* futuras putas?" Stephani Thesaurus gives as a gloss on *sacrosanctas*,—"*intactas, et ab omni injuria tutas.*"

I find in the early English writers the expressions, "sacrosanctis Christi sacrificiis,"—"corpus sacrosanctum," and "sacrosancta mysteria," but never "Spiritus sacrosanctus," "Deus sacrosanctus," or "Dei filius sacrosanctus." God's RIGHTS, then, could not properly be called "sacrosancta." The established ritual by which He is worshipped, the articles used in divine service, the church in which the service is performed, in fine, all things which formally or by implication have been consecrated to that sacred purpose, may be called "*sacrosancta.*"

For these reasons, in connection with the fact that the Virginia and other charters furnish us with a key to the fundamental idea intended to be conveyed in the clause, I prefer the translation, "God's holy rites," or "service," or "sacraments," to any other.

NOTE.—While correcting the proof of the preceding pages of Appendix, I received through the courtesy of HENRY G. SOMERBY, Esq. of London, a copy in Latin and in English, of the charter of Avalon. I have only room to say, that Chalmers' assertion, that the Maryland charter is a literal copy of that of Avalon, is not correct. The passage, upon which I have commented, however, is the same in both charters, with the exception of "*vere*" for "*vera*," and, by an evident clerical error, the use of both "*et*" and "*aut*" before the word "*dispendium.*" This is the passage upon which so much stress has been laid by some writers, as designedly introduced by Lord Baltimore into the charter of Maryland, as the basis of that toleration, which he intended to make a cardinal principle in his colonial policy;—but the fact of its antecedent insertion in the charter of Avalon, (which was originally a Protestant settlement,) granted to him as a Protestant, would seem to take away all ground for such an argument.

It is a notable fact, also, that the clause, which in the Maryland charter, in connection with the patronages and advowsons of churches, gives his Lordship license "to erect chapels and other places of worship, and to cause them to be consecrated according to the ecclesiastical laws of England," *is not to be found in the charter of Avalon.* This gives ground for the inference, that a restriction was deemed necessary on this point, in the charter to Lord Baltimore, as a Roman Catholic, which was not imposed upon him, when a recognized member of the established church. The insertion of this clause in the Maryland charter, however, does not necessarily imply distrust of the grantee, on account of his religious faith; for it exists also in charters granted to persons of known fidelity to the English Church.

The clause, declaring the aim of the grantee to be the spread of the Christian religion and the enlargement of the territories of the kingdom, is the same in both charters.

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